CHAPTER 10 **Responses to Comments**

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, nine comment letters regarding the DEIR were received during the review period from two state departments, three organizations, and four individuals and one comment letter regarding the DEIR was received after the DEIR review period from one organization. Table 10-1 (Comment Letters Received on the DEIR) provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received on the DEIR

No.	*Commenter/Organization*	*Abbreviation*	*Page Where Comment Begins*	*Page Where Response Begins*
	STATE DEPARTMENTS			
1	Department of Toxic Substances Control, Al Shami, February 22, 2011	DTSC	10-3	10-98
2	Department of Transportation, Christopher Herre, February 17, 2011	DOT	10-7	10-100
	ORGANIZATIONS			
3	Huntington Beach, Environmental Board, Robert Schaaf, February 20, 2011	HBEB	10-9	10-102
4	The Kennedy Commission, Cesar Covarrubias, February 22, 2011	KC	10-11	10-104
5	Ocean View School District, William Loose, February 16, 2011	OVSD1	10-16	10-105
	INDIVIDUALS			
6	Bonnie Weberg, January 20, 2011 (letter via email)	BW	10-24	10-118
7	Gayle Kirkhuff, January 15, 2011 (email)	GK	10-25	10-118
8	Greg Ryan, February 22, 2011 (email)	GR	10-26	10-119
9	Karl Kistner, January 16, 2011 (email)	KK	10-28	10-120
	COMMENT RECEIVED AFTER DEIR REVIEW PERIOD			
10	Law Office of Bergman and Dacey, Inc. on behalf of the Ocean View School District, April 25, 2011	OVSD2	10-29	10-120

In addition to the written comments noted above, three verbal comments were received at the Beach and Warner Mixed-Use Project DEIR Public Information Meeting held on February 2, 2011, as outlined below.

Table 10-2 Verbal Comments Received at the DEIR Public Information Meeting			
Commenter	*Abbreviation*	*Page Where Comment Begins*	*Page Where Response Begins*
PUBLIC TESTIMONY (DEIR MEETING)			
Barbara DelGleize, February 2, 2011 (verbal)	BG	10-97	10-163
Al Brown, February 2, 2011 (verbal)	AB	10-97	10-164
Dan Kalmick, February 2, 2011 (verbal)	DK	10-97	10-164

This chapter of the Final EIR contains all comments received on the DEIR during the public review period, as well as the Lead Agency's responses to these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute significant environmental issues. Therefore, the comment has been noted, but no response has been provided. Generally, the responses to comments provide explanation or amplification of information contained in the DEIR.

10.2 COMMENTS ON THE DEIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, followed by a section with the responses to the comments within the letter. As noted above, and stated in CEQA Guidelines Sections 15088(a) and 15088(b), comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review will be forwarded for consideration to the decision makers as part of the project approval process. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues.

10.2.1 State Departments

Department of Toxic Substances Control (DTSC), February 22, 2011

DTSC

Department of Toxic Substances Control

Linda S. Adams
Acting Secretary for
Environmental Protection

Leonard E. Robinson
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

RECEIVED
FEB 24 2011
Dept. of Planning
& Building

February 22, 2011

Ms. Rosemary Medel
City of Huntington Beach
Planning and Building Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR) FOR BEACH AND WARNER MIXED USE PROJECT (SCH# 2011011015)

Dear Ms. Medel:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The project includes the construction of two new retail buildings at the corner of Warner Avenue and Beach Boulevard, new mixed-use buildings along both Warner and Beach Boulevards, and two new parking structures. Under the proposed project, the existing fifteen-story 196,000-square-foot (sf) office building; the 18,531 sf retail/restaurant building along Warner Avenue; the 7,205 sf restaurant on Beach Boulevard; and the six-story, 863 stall parking structure located on the northeast corner of Sycamore Avenue and Ash Street would remain. All other existing buildings on the project site would be demolished and replaced with new development. The proposed mixed-use building along Beach Boulevard (Beach Mixed-Use building) would be bound by Beach Boulevard to the east, Cypress Avenue to the south, Elm Street to the west, and the internal roadway to the north. The Beach Mixed-Use building would include a total of 247,421 sf of building area, including 15,600 sf of retail uses, 5,000 sf of restaurant uses, and 202 residential units (totaling approximately 221,420 sf), as well as 5,400 sf of residential common area. Parking for all uses would be provided in an internal three-level, 481-stall parking structure (one level below grade, one level at grade, one level above grade). The proposed building would surround the parking structure on all four sides. Retail and restaurants uses would front Beach Boulevard, while residential uses would be located along Elm Street and Cypress Avenue. Residential uses also would be located on levels 3 through 6 of the building, above the commercial uses and the parking podium".

DTSC-1

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Based on the review of the submitted document DTSC has the following comments:

1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

DTSC-2

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

DTSC-3

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency

DTSC-4

that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR. DTSC-4 Cont.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. DTSC-5

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. DTSC-6

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. DTSC-7

7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-8

8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. DTSC-9

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3124

Department of Transportation (DOT), February 17, 2011

DOT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown Jr., Governor

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2000
Fax: (949) 724-2592

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Dept. of Planning & Building

Flex your power! Be energy efficient!

FAX & MAIL

February 17, 2011

Ms. Rosemary Medel
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2011011015
Log #: 2643
SR-39 and I-405

Subject: Beach and Warner Mixed Use Project

Dear Ms, Medel,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Beach and Warner Mixed Use Project.** The proposed project includes 2 new 5,500 sf retail buildings (Beach MU and Warner MU buildings) with associated parking. The Beach MU building includes 202 dwelling units, 15,600 sf retail uses, 5,000 sf restaurant uses, and 5,400 sf residential common areas. The Warner MU building includes 77 dwelling units, 3,000 sf retail uses, 1,600 sf commercial associated with 4 live/work units, 1,000 sf restaurant uses, and 1,600 sf residential common areas. The nearest State routes to the project are SR-39 and I-405. DOT-1

The California Department of Transportation (Department), District 12 is a responsible agency on this project and has the following comments:

1. The Department requests to participate in the process to establish and implement "fair share" mitigation for project impacts at the following intersections: DOT-2

   - SR-39 at Edinger Avenue
   - SR-39 at Warner Avenue
   - SR-39 at Garfield Avenue
   - SR-39 at Bolsa Avenue
   - SR-39 at Brookhurst Street/Adams Avenue
   - SR-39 at I-405 ramps and ramp intersections

   The Department has an established methodology used to calculate equitable project "fair share" mitigation contribution. This can be found in Appendix B of the Department's Guide for the Preparation of Traffic Impact Studies which is available at: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf.

"Caltrans improves mobility across California"

2. The Department's Traffic Operations Branch requests all applicants to use the method outlined in the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on State Facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval. The EIR should include appropriate mitigation measures to offset any potential impacts. DOT-3

   The traffic impact on the state transportation system should be evaluated based on the Department's Guide for the Preparation of Traffic Impact Studies which is available at: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf.

3. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/ DOT-4

4. All work performed within the Department's Right-of-Way shall be in accordance with the Department's Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

5. No additional surface run-off is allowed to drain onto Department Right-of-Way.

6. Please submit final Hydrology/hydraulic report to the Department for review and comment DOT-5

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

"Caltrans improves mobility across California"

10.2.2 Organizations

Huntington Beach Environmental Board (HBEB), February 20, 2011

HBEB

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

February 20, 2011

Rosemary Medel
City of Huntington Beach
Department of Planning and Building
2000 Main St
Huntington Beach, CA 92648

Subject: Beach and Warner Mixed Use Draft EIR No. 10-003

Dear Ms. Medel,

At the February 3, 2011 Environmental Board meeting, the members reviewed the draft EIR No. 10-0003. The Board offers the following comments for your consideration. **HBEB-1**

General:

1. We are pleased to see the bold general objectives stated in section 3.3-12, and are interested in seeing the sustainable community objectives actually implemented in the plans, the final construction, and in the potential continuous commissioning. To motivate attention and to reinforce these verifiable ideals, we point to AB1103[1] – Commercial Benchmarking requirements during sale/leasing/refinancing, effective July 1, 2011, and recent Green Leasing trends. In terms of sustainable profitability of leased property, recent studies show a 5-10% premium for Energy Star rated commercial property. **HBEB-2**

Land Use / Planning:

1. In terms of transit oriented development, the trends reinforced by SB 375[2] offer specific advantages for further enhancements of mobility plans and their actual execution. Best Practices in design and construction, as described by McGraw-Hill Smart Market report, use Building Information Modeling (BIM)[3] early in the design stage in order to capture and leverage data and the required knowledge to implement high profit and high sustainability objectives throughout the building's total life cycle. **HBEB-3**

Aesthetic:

1. Since this is a project EIR, (and not a program EIR) there should be photographic simulations, or artistic renderings to determine the aesthetic impact. **HBEB-4**

Utilities / Water:

1. Section 4.14-17 contains the project conditions for water efficiency (BECSP MM4.14-1). Are there a similar set of conditions in the Beach and Edinger Corridors Specific Plan for energy efficiency? If so these conditions should be incorporated into this project in the same manner as the water efficiency conditions. **HBEB-5**

2. The table used for the projected electricity usage cites the CEQA handbook from 1993. According to the U.S. Energy Information Administration, 2009 Electric Annual Power Annual, **HBEB-6**

[1]AB1103 & AB532 http://www.ab1103.com/
[2]SB 375 http://www.arb.ca.gov/cc/sb375/sb375.htm
[3]BIM http://www.bim.construction.com/research/pdfs/2009_BIM_SmartMarket_Report.pdf

residential usage is nearly twice the amount reflected in the EIR. It shows 10,900 kWh per unit per year, compared to the 5,626.5 kWh per unit per year within the EIR. Although the report does not differentiate between densities, it reflects a significant discrepancy in usage[1].

a. The same report also shows commercial usage. There is not as large of a gap between residential usage and commercial as we show in the EIR. Residential and commercial are almost equal in electricity usage in the 2009 Electric Annual Report[1].

HBEB-6 Cont.

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Sincerely,

Robert Schaaf
Chairman, Huntington Beach Environmental Board

[1]Electric Power Annual 2009, U.S. Energy Information Administration http://www.eia.gov/FTPROOT/electricity/034809.pdf (November 2010) 17.

The Kennedy Commission (KC), February 22, 2011

KC

THE Kennedy COMMISSION

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
fax 949 263 0647

February 22, 2011

Ms. Rosemary Medel, Associate Planner
City of Huntington Beach
Planning & Building
2000 Main Street
Huntington Beach, CA 92648

RE: Beach and Warner Mixed-Use Project Environmental Impact Report

Dear Ms. Medel:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 1999, the Commission has been successful in partnering and working with jurisdictions in Orange County to create strategic and effective housing and land-use policies that has led to new construction of homes affordable to lower income working families.

The Commission would like to commend the City for taking steps to ensure public participation by providing the community an opportunity to submit comments on the Beach and Warner Mixed-Use Project Environmental Impact Report (EIR). As the City begins to evaluate and address the potential environmental effects of the proposed project, the Commission would like to take this opportunity to address a few concerns regarding the proposed project and provide recommendations that should be taken into consideration.

KC-1

Effective Public Participation

The Commission would like to emphasize the importance of seeking out and considering public input from residents, community members and stakeholders (i.e. affordable housing, health, transportation and environmental advocates etc.). Public participation at all stages of development planning and decision-making process for the proposed project should be conducted with meaningful and effective outreach. Public input also needs to be reflected and incorporated in the EIR to ensure the goals and objectives of the Beach and Warner Mixed-Use Project are implemented and achieved.

KC-2

Lack of Affordable Homes for Lower Income Households

The City's demographic composition and housing market conditions demonstrate a growing need for homes that people can afford, especially for lower-income renter households. According to the Housing Needs Assessment in the City's 2008-2014 Housing Element, 43% of

KC-3

Working for systemic change resulting in the production of housing for Orange County's extremely low income households.

renters in the City were lower income households[1] and almost "85% of overpaying renters earned lower incomes.[2]" The 2007 median apartment rents in the City for a 2-bedroom apartment was $1,599 a month; however, the maximum affordable rent for a low-income household would be $957 a month and $780 for very low-income households.[3]

The proposed project is planning for the construction of 279 new one- and two-bedroom apartment homes in two mixed-use buildings. The Beach Mixed-Use building will include 202 residential apartments while the Warner Mixed-Use building will include 77 residential apartments.[4] To support the vision of the Beach and Warner Mixed-Use Project, applicant objectives for the community have been outlined to include:

> "...housing that will address the unmet demands for a class-A rental-housing alternative of market rate and affordable housing that is centrally located to a variety of retail and office uses along Beach Boulevard."[5]

The EIR does not specify the affordability levels of the apartment homes; however, the planning, development and rezoning of the proposed project provides an opportunity for the City to count the proposed homes towards its allocated regional housing needs assessment (RHNA), especially for the lower income categories. In the City's certified 2008-2014 Housing Element, it identifies the Beach and Edinger Corridor Specific Plan (BECSP), in which the Beach and Warner Mixed-Use Project is located in, as a housing opportunity site to address the City's RHNA shortfall of 704 lower income homes.[6] In particular, a letter dated July 29, 2008 from the Department of Housing and Community Development (HCD) to the City states:

KC-3 Cont.

> "In addition to significant effort to preserve the existing housing stock, the City's commitment to promote higher density multifamily housing in the Beach/Edinger Specific Plan and the development of the 2.7 acre redevelopment agency owned McFadden site will effectively address the housing needs of the community, particularly for the local workforce and lower income families... Pursuant to Program 9, the City must monitor development within the specific plan areas and take appropriate actions to ensure the specific plan polices and strategies are, in practice acting to facilitate the development of housing affordable to lower-income households throughout the planning period."[7]

The development of affordable homes for lower income families on the Warner Mixed-Use Project will be an important opportunity in addressing the RHNA shortfall. The agency-owned McFadden site was initially identified in the Housing Element as an opportunity site for the

[1] City of Huntington Beach 2008-2014 Housing Element, page II-9, Adopted June 16, 2008
[2] City of Huntington Beach 2008-2014 Housing Element, page II-42, Adopted June 16, 2008
[3] City of Huntington Beach 2008-2014 Housing Element, page II-35, Adopted June 16, 2008
[4] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.1-2, Jan. 2011
[5] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.3-12, Jan. 2011
[6] City of Huntington Beach 2008-2014 Housing Element, page IV-12, Adopted June 16, 2008
[7] Letter from Department of Housing and Community Development to City of Huntington Beach, July 2008.

development of 175 affordable homes.[8] Last month, the City Council entered an exclusive lease agreement with Vans to propose the McFadden site as a skate park.[9] Because the McFadden site is no longer set-aside for the development of affordable homes and there has been no identified alternative site, the number of identified opportunity sites in the Housing Element has decreased.

KC-3 Cont.

Addressing and Mitigating Environmental Impacts

With high housing costs and significant lack of affordable homes, many workers and families, especially those who earn lower wages, struggle financially to live in the city they work in. These impacts not only hurt workers and families but may also impact the city's economic competitiveness and attractiveness to major employers to provide jobs. Locating homes, specifically affordable homes, near transit, job centers and neighborhood services will decrease travel costs and allow individuals to save money and spend it elsewhere in the City. In particular, the environmental impacts of a development are especially less drastic when a person can afford to live and spend their money in the same community in which they work in.

In 2008, the average commute time to work for Orange County residents was approximately 26 minutes and approximately 77% of commuters drove alone.[10] Improving location accessibility and connectivity reduces the dependency for residents, especially for lower income households and workers, to drive their automobiles. This will lead to decreased environmental impacts, such as vehicles miles traveled (VMT) and greenhouse gas emissions, which will contribute to the project's overall purpose and intent to create a sustainable transit oriented neighborhood. The project will also align with the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and help the City implement and comply with SB 375 goals of reducing VMT and greenhouse gas emissions.

KC-4

The proposed project anticipates a total development capacity of 29,600 s.f. of retail uses and 6,000 s.f. of restaurant uses.[11] The new development allows for increased economic opportunities but the number and types of jobs and wages are not analyzed in the EIR. These opportunities may produce low-wage service sector jobs that are not reflective on housing opportunities for all economic segments of the community. With low wages and high housing costs, many workers live in other cities and become dependant on their automobile to commute to and from work and other destinations. These trips may increase traffic congestion that not only negatively impacts the environment but also the quality of life for the community.

To ensure the impacts are identified and mitigated, the Commission would like the draft EIR to also address the City's jobs-housing "fit." Different from jobs-housing balance, which evaluates

[8] City of Huntington Beach 2008-2014 Housing Element, page IV-18, Adopted June 16, 2008
[9] "Surf City to get 'World Class' Vans Skate Park, The Orange County Register, January 19, 2011
[10] Orange County 2010 Community Indicators, p. 31, 2010
[11] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.1-2, Jan. 2011

the number of jobs to the number of homes in a specific geographic location, the jobs-housing fit provides a more detailed analysis. The jobs-housing fit analyzes the discrepancies between the types of jobs and wages (especially for low-wage jobs) that will be generated in a City and the housing costs and opportunities that are available in the City. Simply stated, will an individual working at a new job that has been generated from a development be able to afford to live in the City that he/she is working in? The Commission is deeply concerned that the project could fail to address affordable housing needs as a key factor to reducing vehicle trips and commutes that will create more sustainable communities in Orange County.

KC-4 Cont.

Recommendation

The proposed variety of residential, office and commercial mixed-use developments in the Beach and Warner Mixed-Use Project will create a unique, vibrant and sustainable community in the overall vision of the BECSP. The proposed project represents the first of four individual projects to be analyzed on a "project specific level."[12] The Commission believes the proposed project should develop and implement an environmentally sustainable, economically competitive and opportunity rich community that will set the standard for the remaining projects in the BECSP. The effectiveness and success of the project will also be dependent on the City's leadership to thoroughly analyze and address the environmental impacts of the proposed project.

The Commission recommends the draft EIR analysis to:

KC-5

1) Not exclude affordable homes and employment issues from detailed analysis in the EIR.
2) Conduct an analysis of how many jobs and what types of jobs and wages will be generated from the proposed project.
3) Provide a detailed jobs-housing "fit" analysis.
4) Identify trip reducing measures (i.e. location of affordable homes near transit, job centers and neighborhood services that would reduce VMT, greenhouse gas emissions and other traffic impacts).
5) Create programs and policies that encourage and facilitate the development of affordable homes for lower income families in the Beach and Warner Mixed-Use Project and BECSP.
6) Continue with meaningful outreach and incorporate public comments in the Beach and Warner Mixed-Use Project planning process.

[12] City of Huntington Beach- Beach and Warner Mixed-Use Project Environmental Impact Report, p.4.10-3, Jan. 2011

The Commission looks forward to hearing the City's response to our concerns and partnering with the City to achieve our mutually beneficially goals in creating more livable and economically competitive communities to all working families in the City. The Commission also welcomes the opportunity to continue our dialogue that will result in the production of new homes affordable to extremely low, very low and low-income working families. KC-6

Please keep us informed of any changes in the EIR, upcoming meetings and proposed developments in the Beach and Warner Mixed-Use Project. If you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar Covarrubias
Executive Director

cc: Cathy Creswell, State Department of Housing and Community Development
Sidney Stone, City of Huntington Beach
Ezequiel Gutierrez, Public Law Center
Pauline Chow, Public Law Center

Ocean View School District (OVSD1), February 16, 2011

OVSD1

Ocean View School District

17200 Pinehurst Lane
Huntington Beach
California 92647-5569
714/847-2551
Fax: 714/847-1430
Web: www.ovsd.org

"Equity and Excellence"

Superintendent
Alan G. Rasmussen, Ed.D.

Board of Trustees
Debbie Cotton, President
Tracy Pellman, Clerk
John Briscoe, Member
John Ortiz, Member
Norm Westwell, Member

February 16, 2011

Rosemary Medel, Associate Planner
City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach CA 92648

RE: RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BEACH AND WARNER MIXED-USE PROJECT (REPORT 10-003)

Dear Ms. Medel:

The purpose of this letter is to respond to Draft Environmental Impact Report 10-003 ("DEIR") for the Beach and Warner Mixed-Use Project ("Project"). Pursuant to the provisions of Section 1.2 of the DEIR, this DEIR is purportedly a tiered response to the Beach and Edinger Corridor Specific Plan, which was certified by the City of Huntington Beach ("City") in December 2009 ("Prior EIR").

The Project is located at the corner of Warner Avenue and Beach Boulevard, within the City. The Ocean View School District ("District") has several schools located within close proximity to the Project namely: (i) Oak View Elementary School, 17241 Oak Lane, Huntington Beach, California 92647 ("Oak View"), (ii) Lake View Elementary School, 17451 Zeider Lane, Huntington Beach, California 92647 ("Lake View"), (iii) Sun View Elementary School, 7721 Juliette Low Drive, Huntington Beach, California 92647 ("Sun View"), (iv) Westmont Elementary School, 8251 Heil Avenue, Huntington Beach, California 92647 ("Westmont"), and (v) Mesa View Middle School, 17601 Avilla Lane, Huntington Beach, California 92647 ("Mesa View"). In addition, the Project could have a substantial impact on the Park View School, 16666 Tunstall Lane, Huntington Beach, California 92647 ("Park View"), which is located within close proximity of the Project and is currently a closed school site. Oak View, Lake View, Sun View, Westmont, Mesa View and Park View shall be referred to herein collectively as the "District Schools". In addition, the District has its bus depot and maintenance and operations facility located at 8291 Warner Avenue, Huntington Beach, California 92647 ("Bus Facility"). The Bus Facility is located in very close proximity to the Project.

OVSD1-1

The District believes the Project will have significant adverse impacts on the District Schools environment and operations. The District has prepared the following comments to the DEIR regarding issues concerning the staff, students and parents of the District. References to sections in this letter shall be references to the sections of the DEIR. Furthermore, the DEIR does not properly address the cumulative impacts this Project along with other projects, such at The Village at Bella Terra ("Bella Terra Project"), will have upon the District and the community.

Although this letter specifically addresses the significant adverse impacts to the District, it is important that the City keep in mind the significant impacts that the Project will have to the quality of life in the neighborhood surrounding the Project. Many of the impacts to the District discussed in this letter including, but not limited to, noise, dust, and traffic will also be significant adverse impacts to the neighborhood surrounding the Project. The Ocean View Little League ("League") currently practices and plays its games at Park View School. If Park View School has to be reopened, the Little League will have to be relocated, which will cause disharmony and disruption to the children, and their parents, involved in the Little League.

In approximately 1990, the District signed an agreement with the Office of Civil Rights Resolution ("OCR Resolution"), agreeing not to take any actions that would impact the Oak View community. It is clear, that as discussed in this letter below, that the Project and the effects it would have on the District would have a substantial impact on the Oak View community in potential violation of the OCR Resolution.

OVSD1-1 Cont.

In general, the referral in the DEIR to the Prior EIR or a section of the Prior EIR is not sufficient incorporation by reference as allowed by California Public Resources Code §21061 and 14 California Code of Regulations §15150(a), as the DEIR fails to comply with the required provisions of California Public Resources Code §21061 and 14 California Code of Regulations §15150(a), relating to incorporating the provisions of a prior document.

I. Section 3.2.1 Beach Mixed-Use Building-Paragraph 1

The DEIR indicates that the mixed use building on Beach Boulevard ("Beach Mixed-Use Building") will have two hundred and two (202) residential units. The two hundred and two (202) residential units would consist of: (i) nineteen (19) 2 bedroom townhomes, (ii) one hundred nineteen (119) 1 bedroom flats, and (iii) sixty four (64) 2 bedroom flats.

The Oak View School currently has seven hundred ninety six (796) students enrolled. The projected capacity of the Oak View School is eight hundred and forty eight (848) students. Due to its current student enrollment figures, Oak View School is currently considered a "closed" site for the 2011-2012 school year for both intra-district and inter-district transfers. Adding as few as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

OVSD1-2

The Mesa View School currently has seven hundred forty eight (748) students enrolled. The projected capacity of the Mesa View School is eight hundred and forty (840) students. Adding as few as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

Section 3.2.1 of the DEIR provides no information on the number of residents that would live in the Beach Mixed-Use Building and potentially have an impact on the District Schools. Without an analysis of the Beach Mixed-Use Building's effect on District Schools, the DEIR insufficiently analyzes the Project's effect on Public Services. Specifically, without this analysis, the District is unaware of the potential impact of the Beach Mixed-Use Building on the District and the potential to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD1-2 Cont.

OVSD1-3

II. Section 3.2.2 Warner Mixed-Use Building-Paragraph 1

The DEIR indicates that the mixed use building on Warner Avenue ("Warner Mixed-Use Building") will have seventy seven (77) residential units. The seventy seven (77) residential units would consist of: (i) forty one (41) 1 bedroom apartments, (ii) thirty six (36) 2 bedroom apartments, and (iii) four (4) 2 bedroom live/work units.

The Oak View School currently has seven hundred ninety six (796) students enrolled. The projected capacity of the Oak View School is eight hundred and forty eight (848) students. Due to its current student enrollment figures, Oak View School is currently considered a "closed" site for the 2011-2012 school year for both intra-district and inter-district transfers. Adding as few as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

The Mesa View School currently has seven hundred forty eight (748) students enrolled. The projected capacity of the Mesa View School is eight hundred and forty (840) students. Adding as few as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

OVSD1-4

Section 3.2.1 of the DEIR provides no information on the number of residents that would live in the Warner Mixed-Use Building and potentially have an impact on the District Schools. Without an analysis of the Warner Mixed-Use Building's effect on District Schools, the DEIR insufficiently analyzes the Project's effect on Public Services. Specifically, without this analysis, the District is unaware of the potential impact of the Warner Mixed-Use Building on the District and the potential to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact

upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD1-4 Cont.

OVSD1-5

III. Section 3.2.4 Vehicular Access, Circulation, and Parking- Access and Circulation- Paragraph 1

The DEIR discusses the traffic for the Project, but does not include an up to date traffic study that analyzes the Project's effect on District Schools. The District Schools in the area of the Project have a start time between 7:45 a.m. and 8:30 a.m., with drop off times between 7:30 a.m. and 8:30 a.m. The District Schools have dismissal times between 1:50 p.m. and 3:20 p.m., with pick-up times between 1:30 p.m. and 3:30 p.m. Traffic volumes in the area of the Project are already severe and the Project will cause additional traffic volumes to impact the District Schools. Many of the students walk to the District Schools. Any additional vehicle traffic along the routes of students walking to District Schools is of great concern to the District as safety for pedestrians is critical.

OVSD1-6

The DEIR also fails to take into account the facts that: (i) Rainbow Disposal has a dumping facility ("Rainbow Facility") across the street from Oak View School and that there are approximately 400 vehicle trips (mainly trucks) using the Rainbow Facility per day, (ii) due to the population volume in the Oak View neighborhood students are bussed out of this neighborhood every day using thirteen (13) busses, and (iii) the District's Bus Facility which is located within close proximity to the Project has approximately 80 vehicle trips per day. The traffic impact from the Project will have a significant adverse effect on the District in that the increased traffic will: (i) increase the time it takes busses to enter and exit the Oak View neighborhood, (ii) increase the time it takes busses to enter and exit the Bus Facility. The increased time it will take busses and other vehicles to enter and exit the Bus Facility and the Oak View neighborhood will substantially impact the District by increasing the costs to the District as this additional time will cost the District additional payroll for the drivers as well as additional wear and tear on the busses and increased operating costs for the busses. The District, being one of the entities most likely affected by the construction of the Project as well as operational and construction traffic, needs a definitive up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD1-7

OVSD1-8

IV. Section 3.2.4 Vehicular Access, Circulation, and Parking- Construction Schedule- Paragraph 4

The DEIR discusses a construction schedule lasting approximately five (5) years. The DEIR does not mention any mitigating factors that will be utilized to control the flow of traffic in the area of the Project. With the existing traffic in the area already being severe, the construction traffic and/or lane closures could have a cumulative impact which would be very significant. The DEIR contains no specific construction related traffic mitigation measures.

OVSD1-9

The DEIR also fails to take into account the facts that: (i) the Rainbow Facility across the street from Oak View School, has approximately 400 vehicle trips (mainly trucks) using the Rainbow Facility per day, (ii) due to the population volume in the Oak View neighborhood students are bussed out of this neighborhood every day using thirteen (13) busses, and (iii) the District's Bus Facility which is located within close proximity to the Project has approximately 80 vehicle trips per day. The traffic impact from the Project will have a significant adverse effect on the District in that the increased traffic will: (i) increase the time it takes busses to enter and exit the Oak View neighborhood, (ii) increase the time it takes busses to enter and exit the Bus Facility. The increased time it will take busses and other vehicles to enter and exit the Bus Facility and the Oak View neighborhood will substantially impact the District by increasing the costs to the District as this additional time will cost the District additional payroll for the drivers as well as additional wear and tear on the busses and increased operating costs for the busses. The District, being one of the entities most likely affected by the construction of the Project as well as operational and construction traffic, needs a definitive up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. OVSD1-10

V. Section 4.2.3 Impact 4.2-2

Construction related air quality impacts on the adjacent District Schools, including, but not limited to fugitive dust, can be very significant. To mitigate this potentially significant effect the applicant should prepare an AQMD approved dust plan in conjunction with other mitigation measures. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. OVSD1-11

VI. Section 4.14.3 Impact 4.14-2

The DEIR provides that the new Project impact on the water supply for the City is "less than significant" although the DEIR also provides that "California has endured a significant water crisis". The DEIR does not provide sufficient information for the District to determine how the Project can have a less than significant impact on the water supply for the City and potentially the District when the State of California has endured a significant water crisis. The District, being one of the entities most likely affected by the construction of the Project as well as appropriate water supply, needs a definitive up to water supply study to review in order to adequately comment on the sufficiency of the DEIR. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community. OVSD1-12

VII. Section 4.9.3 Impact 4.9-1, 4.9-2 and 4.9-3

Construction related noise at the adjacent District Schools can be very significant. While the DEIR provides mitigation measures, the District requests a more detailed plan of how OVSD1-13

mitigation will keep the noise levels at the District Schools to levels that will not affect the learning environment at each school. The DEIR does not provide sufficient information for the District to determine how noise levels will be mitigated for the District Schools, some of which are located within a few blocks of the Project. The mitigation plan should provide for regularly scheduled periodic monitoring to ensure that the learning environment at each school is not impacted by the construction noise. The District also requests a more detailed plan of how mitigation will keep noise levels outside of the buildings to acceptable levels for students and staff.

OVSD1-13 Cont.

With an estimated construction schedule of almost five (5) years for the Project, construction noise, both inside and outside the classrooms, may be very significant and damaging to students and faculty, and protecting and maintaining the learning environment for the students of the District is of paramount importance to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

VIII. Section 4.11.11-Environmental Setting-paragraph 2

The DEIR provides that neither the Oak View School nor the Mesa View School is crowded at this time. District enrollment has been minimally declining. However, as discussed in more detail Section II, above, the housing provided at the Project will have a significant impact on the Oak View School and Mesa View School and most likely will result in overcrowding at both of these schools. In addition, the housing provided at the Project could cause the District to have to open the Park View School which is currently closed. The reopening of the Park View School would have a significant financial impact on the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD1-14

IX. Section 4.11.12-Regulatory Framework-General Plan and BECSP Consistency Analysis-paragraph 3

The DEIR provides that an applicant for the Project would pay the District all relevant school impact fees as required by state and or local laws. The DEIR further provides that the school impact fees would provide the funds for any additional school facilities as a result of the development at the Project. The DEIR further provides that the Project would not result in overcrowding for the District. Section 4.11.12 of the DEIR provides no information on the number of residents that would live in the Project and would have a potential impact on the District Schools. The District, being one of the entities most likely affected by the construction of the Project, needs a definitive plan to review in order to adequately comment on the sufficiency of the DEIR as to the overcrowding issue as well as the sufficiency of school impact fees covering any additional costs to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD1-15

X. Section 4.11.13-Project Impacts and Mitigation-Impact 4.11-3

The DEIR provides that "[i]mplementation of the proposed project would not require new or physically altered school facilities to accommodate additional students." The DEIR provides that the Project would generate at least one hundred eighty five (185) students at the elementary school level and at least thirty four (34) students at the middle school level. As previously stated, the Oak View School and Mesa View School are reaching their maximum capacity. The factors used in the DEIR to determine the number of students per household do not take into account the fact that in that area multiple families reside in units that are meant to be occupied by only one family. Accordingly, the number of projected students is actually much higher than the numbers projected in the DEIR.

OVSD-16

As discussed in more detail in Section II, above, the addition of one hundred eighty five (185) students at the elementary school level would have significant impacts to the facilities at the District's elementary schools. At the very least, the addition of one hundred eighty five (185) students would cause severe overcrowding at Oak View School, and would most likely require the reopening of the Park View school at a cost to the District of at least one million dollars ($1,000,000.00) to reopen the school and continuing operating and maintenance costs to keep the Park View School open. Adding as little as fifty (50) students to the Oak View School would eliminate the use of portables at the school for: (i) the school psychologist, (ii) Title I resource teachers, (iii) physical education teachers, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

As discussed in more detail in Section II, above, the addition of thirty four (34) students at the middle school level would have significant impacts to the facilities at the District's middle schools. At the very least, the addition of thirty four (34) students would cause severe overcrowding at Mesa View School. Adding as little as fifty (50) students to the Mesa View School would eliminate the use of portables at the school for: (i) resource, (ii) library, (iii) music, and (iv) the computer lab. This is due to the fact that the portables would need to be used to house students.

OVSD-17

BECSP CR4.11-1 provides for the Project Applicant to pay all required development impact fees. The fees discussed in the DEIR to be paid to the District are not enough to offset the cost to the District for the additional students. Although the DEIR provides a conclusion that these fees are sufficient, the District, being one of the entities most likely affected by the construction of the Project, needs a plan to review in order to adequately comment on the sufficiency of the DEIR as to the adequacy of the impact fees offsetting the increased costs to the District. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

XI. Section 4.13-Transporation/Traffic

As discussed in more detail in section III, above, a more up to date traffic study is required for the District to properly evaluate. The District, being one of the entities most likely

OVSD-18

affected by the construction of the Project as well as operational and construction traffic, needs a more thorough up to date traffic plan to review in order to adequately comment on the sufficiency of the DEIR as to the impact on the District Schools as well as mitigation measures. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-18 Cont.

XII. Chapter 6-Alternatives to the Proposed Project

The DEIR alternatives section does not adequately address or describe the effect of each project alternative on the District Schools affected by the Project. The District cannot make this determination without additional analysis of the alternatives impact on the District Schools in the "Alternatives to the Proposed Project" section. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-19

Conclusion

In closing, the proposed Project will have significant impacts on the District Schools due to impact on the District having to: (i) be required to re-draw boundary lines to accommodate new students, (ii) the possibility of having to reopen the Park View School which could cost the District in excess of one million dollars ($1,000,000.00) to reopen and ongoing operational and maintenance costs to keep Park View School open, and (iii) have a substantial density impact upon the Oak View School and Mesa View School which are already reaching their respective maximum point of enrollment. In addition, there must be mitigation measures in place to protect each school's learning environment. The DEIR fails to properly analyze the cumulative effect of this Project, the Bella Terra Project and other projects will have upon the District and the community.

OVSD-20

The District reserves its rights to provide additional comments to the DEIR and/or the final environmental impact report, including, but not limited to expert analysis of the Project's impact to the District and the community, as well as the cumulative impact of this Project along with other projects.

The District appreciates the City's anticipated responsiveness to the District's financial concerns as well as environmental concerns in identifying appropriate mitigation measures for the school and the community. If you have any questions regarding this information, please do not hesitate to contact me at (714) 847-2551.

Sincerely,

William V. Loose

William V. Loose, Ed.D.
Assistant Superintendent, Administrative Services

10.2.3 Individuals

Bonnie Weberg (BW), January 20, 2011

BW

JANUARY 20, 2011

CITY OF HUNTINGTON BEACH

PLANNING DEPARTMENT

Re: Warner/Beach Proposed Development

I was completely dismayed to read about the proposed development at Warner and Beach.

A perfectly lovely, inviting plaza will be destroyed to make way for this project. BW-1

The proposal also gives the appearance of selective elimination of existing businesses in that it preserves some at the expense of others.

On the Beach Blvd. front a 202 unit apartment complex is proposed along with 20,600 square feet of restaurant/retail space. A parking structure with 481 stalls will be a tight squeeze to say the least, as you can generally assume two cars for each apartment in today's world, and restaurant parking is always a premium. One cannot assume that the spaces will be open in the daytime for businesses and available for residents at night since restaurant business will be taking those spaces in the evening. BW-2

The Warner Avenue front will have an additional 77 apartments – the article says, "with a two-level parking structure." However, on the Warner side there will be an additional 5,600 square feet of commercial space.

As if this is not enough: two more 5,500 square foot commercial buildings are also proposed for the, "corner of the project next to Comerica Bank." This is a combined total of 37,200 square feet of commercial space. This really makes me wonder how much space is currently vacant in the Comerica Bank building. BW-3

Financially speaking this proposal is completely irresponsible in that the building pad is not contiguous because of the selective saving of some buildings, and the existing parking structure. BW-4

Finally – the traffic speaks for itself! Please STOP trying to make this lovely town into the massive traffic snarl that exists around us! BW-5

Bonnie Weberg

Bonnie W. Weberg, 8485 Basin Circle, Huntington Beach, CA 92646 - 714-848-0976

Gayle Kirkhuff (GK), January 15, 2011

GK

09 FW Warner Ave Beach Blvd Project SW corner - DEIR Comment (rcvd from city via email 1 18 11).txt

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, January 18, 2011 9:34 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Warner Ave/ Beach Blvd. Project SW corner - DEIR Comment

FYI

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

-----Original Message-----
From: Gayle Kirkhuff [mailto:gayle@gaylekirkhuff.com]
Sent: Saturday, January 15, 2011 11:51 PM
To: Medel, Rosemary
Subject: Warner Ave/ Beach Blvd. Project SW corner

Dear Rosemary,
I am a life time resident and am usually in favor of change and progress.
When I read of the proposed project on Warner Ave.@ Beach Blvd. my first reaction was NO.
My reason is simple,
The Charter Theater is like a land mark and where many folks go now for entertainment. The costs are
low and affordable in this difficult economy. I was proud that H.B. provided a low cost theater for it's residence and
surrounding area, showed you cared. I was always telling people about it. The city has already taken away two other
theaters in HB. Now we are only left with Bella Terra, where the cost of a movie it just to much.
My question is Why are you building apartments which will only congest the area, traffic and
parking even more, causing more auto accidents and people getting upset. HB doesn't need more people stacked upon
one another, especially in this area which is already crowded. Please don't take away some of the enjoyment that
we can afford without replacing another low cost theater. If not, please reconsider
your plans. Also, Chili's is another place that we and many friends frequent.
I sure hope that the city will NOT be taking away this restaurant.
Thank you,
Gayle

GK-1

Attention!!
Record my NEW Email Address Gayle@GayleKirkhuff.com
look me up on Facebook

Page 1

Greg Ryan (GR), February 22, 2011

 GR

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, February 22, 2011 7:39 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Regarding the Draft EIR No 10-003 Beach and Warner Mixed Used Project

Carrie, please confirm receipt of this DEIR comment.

Thanks,

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

From: Greg Ryan [mailto:gryan3@socal.rr.com]
Sent: Tuesday, February 22, 2011 12:27 AM
To: Medel, Rosemary
Subject: Regarding the Draf EIR No 10-003 Beach and Warner Mixed Used Project

Hello Rosemary,

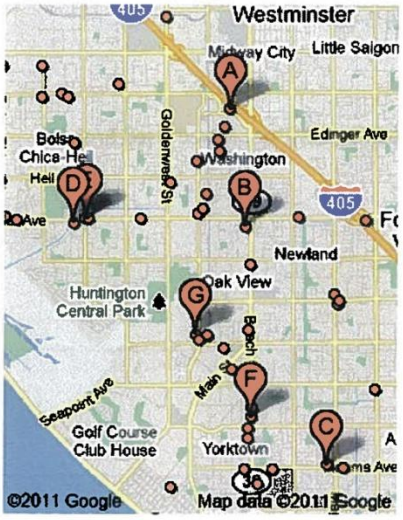
Will this email be sufficient for public comment? I'm sorry I am writing this at the 11th hour, I have been unable to comment prior to this. GR-1

After reviewing the information on the web site, I have several concerns about this new project and the impact it will have in the area.

First, I feel that the traffic will increase greatly in the morning. If I have read the report correctly, it is estimating a 13% increase in traffic at the intersection. There are already periods when the traffic backs up completely from Beach blvd west past the Millstream entrance, and the delay is several cycles long before we are able to get through, resulting in a 8-10 minute delay just to get through that one intersection. With a large additional volume coming from that area, I would imagine this would get much worse than a simple 13% increase. GR-2

Secondly, I am very concerned about the viability of all the retail shops that are being proposed. With the lack of easy access parking, I don't know how those shops are supposed to survive, which would likely mean either many empty storefronts, which will lower the appeal of the area, or low rent stores, which also would not be very appealing. GR-3

Third, the loss of Bally's would have a very negative impact on the area, there are no other fitness clubs close by, please see below, the "B" is the Bally's, which is centered in the middle of an otherwise empty area. The other large clubs are quite far away as shown below. GR-4



Thank you for your time in this matter, and if you can advise the status of the project and if the public will have further opportunity to comment prior to the project being approved. GR-5

Gregory Ryan
7911 Woodlake Drive #73
Huntington Beach, CA
92647
Homeowner
714-375-5360

Karl Kistner (KK), January 16, 2011

From: Medel, Rosemary [rmedel@surfcity-hb.org]
Sent: Tuesday, January 18, 2011 9:36 AM
To: Garlett, Carrie R
Cc: Broeren, Mary Beth
Subject: FW: Beach Warner Project - DEIR Comment

FYI

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

From: DAN KISTNER [mailto:KDKISTNER@YAHOO.COM]
Sent: Sunday, January 16, 2011 6:18 PM
To: Medel, Rosemary
Subject: Beach Warner Project

Dear Rosemary,
I read with great disapproval about the proposed plan for Beach and Warner Project. The demolition of Ballys would be a tremendous hardship to the residents of Huntington Beach as well as surrounding communities. That particular Ballys location is by far the best state of the art training facility in Huntington Beach. It is also the most affordable. I would guess that over a thousand people visit that location on a daily basis. The movie theatre, Chilies and Todai are also part of the fabric that makes the entire center an enjoyable place to gather. I do not understand why this corner of Huntington Beach would even be considered for redevelopment. It is a nice clean safe area that is used by many. I can think of many other retail strip malls in our city that should be considered long before Beach and Warner. Our city has far too many "eyesore" strip malls and stores that I would hope would be addressed before Beach/Warner. Example: Beach and Atlanta. Magnolia and Adams. Beach blvd (both sides of street) from Talbert to Slater. These are just a few examples. I respectfully request that the Planning Commission reconsider this project, which I believe would be a tragedy to many. Everyone at the Ballys is already talking about it and voicing their displeasure.
Regards,
Karl Kistner
20092 Bayfront Lane #102
Huntington Beach,CA 92646
714-969-0232
kdkistner@yahoo.com

KK-1

10.2.4 Comment Received after DEIR Review Period

Law Office of Bergman and Dacey, Inc. on behalf of the Ocean View School District (OVSD2), April 25, 2011

OVSD2

GREGORY M . BERGMAN
JOHN P. DACEY
MICHELE M. GOLDSMITH
MITCHELL C. FREDERICK
ARASH BERAL
BRIAN J. BERGMAN
ELINA GEYKHER

LAW OFFICES OF
BERGMAN & DACEY, INC.
SERVICE ■ LOYALTY ■ SOLUTIONS
LOS ANGELES
10880 WILSHIRE BLVD, SUITE 900 LOS ANGELES, CALIFORNIA 90024
TEL: 310.470.6110 FAX: 310.474.0931
ORANGE COUNTY
17762 COWAN, SUITE 200 IRVINE, CA 92614-6097
TEL: 949.494.1393 FAX: 949.494.8963

OF COUNSEL
MARK W. WATERMAN
LEAH S. BERGMAN
KRISTI SJOHOLM-SIERCHIO
ROBERT D. BERGMAN
NICHOLAS BROWNING III
JAMES L. KEANE
RICHARD A. FOND

LLOYD A. BERGMAN (1923-1994)
RICHARD V. GODINO (1929-2001)

April 25, 2011

OUR FILE NO. 1310.23

VIA MESSENGER AND U.S. MAIL

RECEIVED
APR 25 2011
Dept. of Planning & Building

Rosemary Medel, Associate Planner
City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648

Re: Environmental Impact Report for the Beach and Warner Mixed-Use Project

Dear Ms. Medel:

As you may recall, the Ocean View School District ("District") indicated in its February 16, 2011 comment letter that it would be providing supplemental comments and documentation related to the Beach and Warner Mixed-Use Project ("Project"). Enclosed with this letter, please find a technical analysis of the Environmental Impact Report prepared by Environmental Audit, Inc. that notes several significant deficiencies in the Project environmental documentation. We have also included some additional documentation supporting the District's prior comments regarding impacts to schools within close proximity of the Project.

We welcome the City's feedback on the issues discussed in the supplemental comments and documentation provided. If the City would like to meet with District personnel to discuss these issues, please feel free to contact me to arrange said meeting. As I'm sure you are aware, while the City is not required to provide official responses to these supplemental comments and documentation in the Final Environmental Impact Report ("FEIR"), the City is required to consider this information when making a decision on the Project. OVSD2-1

Further, it is our understanding that Commissioner Erik Peterson raised concerns about the Project's effects on local schools, and he requested that an updated population study be prepared for the FEIR. I would appreciate it if you would advise me of any changes made to the Project to address Commissioner Peterson's concerns.

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I also note that the District requested that it be provided notice of the availability of the FEIR, but no such notice was provided. As such, the District only recently learned of the availability of the FEIR, and the District is not able to provide supplemental documentation pertinent to the FEIR's response to the District's 2/16/11 comment letter prior to the hearing on the Beach and Warner Project scheduled for April 26, 2011. The District reserves its right to provide additional supplemental comments and documentation responsive to the FEIR.

OVSD2-1 (cont.)

In closing, the District thanks the City in advance for considering the Project's impact on the District.

Sincerely,

BRIAN J. BERGMAN
Attorney for the Ocean View School District

BJB/kc

cc: William V. Loose, Superintendent OVSD (e-mail)

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ENVIRONMENTAL AUDIT, INC. ®
1000-A Ortega Way, Placentia, CA 92870-7162
714/632-8521 FAX: 714/632-6754

32nd Anniversary
email:dstevens@envaudit.com
mbaverman@envaudit.com

April 19, 2011

Project No. 2734

Bergman Dacey
10880 Wilshire Blvd., Suite 900
Los Angeles, CA 90024
Attn: Brian Bergman

SUBJECT: Review of the Draft EIR for the Beach and Warner Mixed-Use Project Environmental Impact Report

Mr. Bergman:

Environmental Audit, Inc. (EAI) has reviewed the Draft Environmental Impact Report (EIR) for the Beach and Warner Mixed Use Project Draft EIR. Based on our review, the Draft EIR has fatal flaws, and must be revised, and the revised Draft EIR must be recirculated for public comments. Our comments are summarized below. OVSD2-2

1. PROJECT DESCRIPTION

- The project description is inadequate and difficult to understand. There should be a good comparison of the existing site to the proposed project. There is no figure that shows the existing site layout. An aerial of the existing site is provided with no description of any of the buildings (Figure 3-2). The proposed project site plan (see Figure 3-3) is very difficult to read. The handwriting is not legible and many of the proposed structures are not identified or labeled and the surrounding land uses have not been identified. A site plan prepared in CAD or some other similar computerized diagram should be included in the EIR so that the public could compare the proposed project to the existing site. OVSD2-3

- Cumulative Projects: The EIR used a list of cumulative projects for the cumulative analysis and Table 3-5 of the EIR lists the cumulative projects. The list of cumulative projects is inadequate and fails to mention a number of past present, or reasonably foreseeable projects including the following: OVSD2-4

  - Beach Boulevard/Edinger Corridors Specific Plan (BECSP)

BW_001

- Brightwater/Hearthside Homes: 105.3 acres project with 349 single-family units.
- Downtown Specific Plan Update
- Former Lamb School Site/Ranco Huntington Investments: Proposed development of 61 single-family dwellings.
- Former Wardlow Schools Site/Ranco Huntington Investments: Proposed development of 42 single-family units.
- Harmony Cove: Proposed 15 condominium units with 27-boat slips.
- Newland Street Residential/Pacific Shores – Proposed development of 204 multi-family residential units.
- Pacific City – Proposed development of 516 residential condominium units, plus commercial, retail, restaurants, entertainment, office and hotel development.
- Parkside Estates – Approved development of 110 single family dwellings.

OVSD2-4 (cont.)

All of the above cumulative projects, which are included on the City's web-site, have the potential for cumulative air quality, noise, public services (including school district impacts), transportation/traffic, utilities/service systems (water supply, wastewater, solid waste and energy), and climate change impacts. These cumulative impacts have not been analyzed, therefore, the cumulative analysis in the EIR is deficient. Other projects which should be included in the cumulative analysis include the Ascon Landfill Site, Circulation Element Update, Newland Street Widening, and Poseidon Desalination Plant.

3. CHAPTER 4.0 ENVIRONMENTAL ANALYSIS

- The Draft EIR violates CEQA Guidelines §15150 – Incorporation by Reference, which requires that the "incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized." The EIR refers to certain sections of the BECSP EIR and appears to incorporate sections of the BECSP EIR by reference, although it is not clearly stated and not summarized as required by §15150. For example, the regulatory framework for all sections in Chapter 4 refers to the BECSP Program EIR but does not incorporate any information by reference or summarize the information incorporated per the requirements of CEQA Guidelines §15150.

OVSD2-5

BW_002

4. CEQA BASELINE

Throughout the EIR, the CEQA existing setting or baseline is inadequate. CEQA Guidelines §15125(a) requires that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. In most of the analyses in the EIR, the CEQA baseline is not adequately used or described. OVSD2-6

5. AESTHETICS

- Page 4.1-6 discusses existing shade and shadow aspects of the existing project site, but does not provide any assessment of the baseline environmental conditions, i.e., an adequate description of the existing shade and shadow impacts associated with the existing site. The project impacts are shown in Figure 4.1-3 and Figure 4.1-4, but there is no comparison to baseline conditions. OVSD2-7

- Figure 4.1-2 provides a cross section of the proposed project but does not label the existing or proposed structures on the site (except for the existing parking structure). The structures on the site should be labeled for clarity. OVSD2-8

6. AIR QUALITY

- The EIR fails to analyze the existing (baseline) air emissions from the existing site. The EIR provides a discussion of the health effects of air pollution and provides data on ambient air quality from 2006 through 2008, but provides no information on existing air emissions from the project site. Table 4.2-2 estimates baseline carbon monoxide concentrations in the local area, but provides no estimate of baseline emissions of other criteria air pollutants (volatile organic compounds, nitrogen oxides, particulate matter, and sulfur oxides) from the project site. OVSD2-9

- Project Impacts were "netted" i.e., only the new project components were quantified. This is a conservative analysis, but not stated as to why the analysis did not include the components being removed. OVSD2-10

- The DEIR failed to report volatile organic compounds (VOCs) associated with the proposed project impacts as significant in Table 4.2-4. The reported maximum VOC emissions is 106.42 pounds per day which is above the significance threshold of 75 pounds per day. Table 4.2-4 indicates that the VOC emissions are less than significant which is incorrect. OVSD2-11

BW_003

- Land uses in the URBEMIS modeling do not align with the project description. The Strip Mall acreage in the URBEMIS model is 24,600 square feet, but the retail space identified in Table 3-3 is 20,600 square feet.
- A user-defined land use category of Commercial, General was used for 11 acres of the proposed project with no justification.
- The URBEMIS default acreage and trip rates for Apartments mid-rise, and strip mall were adjusted from 5.71 to 6.72 and 42.94 to 40.12, respectively without justification.
- The URBEMIS model runs did not use the mixed use category to estimate the proposed project emission estimates.
- Natural gas fireplaces were adjusted to 0 percent from 85 percent in URBEMIS, but is not described in the project description. If no fireplaces are included in the proposed project, this should be made a condition of the project approval or a mitigation measure so it is enforceable.

OVSD2-12

- To better understand the project emissions, Table 4.2-5 should have been broken down by project components, e.g., residential uses, commercial uses, etc. Also, Table 4.2-5 does not include the entire project emissions, it only includes portions of the proposed project, therefore, project emissions are underestimated.

OVSD2-13

- The Localized Significance Threshold analysis did not compare against the most stringent nitrogen dioxide standard, i.e., the Federal 1-hour standard. While the SCAQMD guidance has not been updated to reflect the newer federal 1-hour standard of 100 parts per billion, which became effective January 22, 2010. The table below presents the maximum project concentrations extracted from the DEIR Appendix A compared to the most stringent air quality standards. As shown, the federal 1-hour standard would be exceeded and localized construction emissions are significant.

OVSD2-14

Ocean View School District
Beach and Warner Mixed-Use Project
LST Review

Pollutant	Averaging Period	Ambient[(1)] Conc. ($\mu g/m^3$)	Max Modeled ($\mu g/m^3$)	Total Conc. ($\mu g/m^3$)	State Standard ($\mu g/m^3$)	Federal Standard ($\mu g/m^3$)	Significant?
NOx	1 Hour	117	127.7	244.8	339	188	YES
	Annual	25	31.9	56.8	57	100	NO
CO	1 Hour	5765	132.2	5897.7	23000	40000	NO
	8 Hour	3575	89.4	3664.0	10000	10000	NO

(1) SCAQMD station 3195. 1-hr NOx based on 98th percentile for 2006-2008. Other values based on maximum value from 2007-2009.

BW_004

- The mitigation percent reductions were adjusted from the default values in URBEMIS without justification. Greater mitigation reductions were taken than allowed by the URBEMIS default values with no justification. OVSD2-15

- The 2007 AQMP is based on the General Plans that were in place during 2006-2007. The BECSP and BECSP EIR were released in 2010. Therefore, the population growth in the BECSP and the current project are not included in the 2007 AQMP (EIR page 4.2-15). The project impact on the applicable air quality plan is potentially significant as it was not considered nor included in the 2007 AQMP. OVSD2-16

7. CULTURAL RESOURCES

- Mitigation measures (BESCP MM4.4-2(b) and MM4.4-3(b)) have been imposed to minimize the potential impacts of the discovery of archaeological site or other historical resources. The mitigation measures assume that someone (construction foreman in MM4.4-3(b)) in the field will be able to identify archaeological or paleontological resources and halt construction until a qualified archaeologist or paleontologist can evaluate the find. Construction workers are not trained archaeologist/paleontologists so these mitigations are not sufficient to prevent significant impacts to cultural resources. OVSD2-17

8. GEOLOGY/SOILS

- Page 4.5-6 and 4.5-7 states that "In light of the strict regulations in place to control development of structures in a seismically active region, and the incorporation of project-specific design recommendations into the project's grading plan, the project's impact due to exposure to seismically induced groundshaking and seismic-related ground failure would be less than significant." Those regulations that would lead to such a conclusion are not defined. Further, the grading plans that are required as part of mitigation measures BECSSP CR4.5-1 and MM4.5-1 must be completed before the geological/soils impacts can be determined to be less than significant. OVSD2-18

- The reference for Lerdy Crandall and Associates should be corrected to Leroy Crandall and Associates (e.g., page 4.5-9). OVSD2-19

9. HAZARDS

- The hazard analysis is incomplete. The hazard impacts associated with additional natural gas pipelines in the area were not evaluated. OVSD2-20

- Page 4.6-5 indicates that asbestos, lead or other hazardous materials may be encountered during demolition or construction. Surveys for these materials in existing OVSD2-21

BW_005

buildings that are proposed for demolition should have been conducted as part of the EIR so that the potential impacts could be adequately addressed. CEQA requires that impacts be mitigated and not deferred to a later date.

OVSD2-21 (cont.)

10. HYDROLOGY AND WATER QUALITY

- Page 4.7-6 indicates that the use of Best Management Practices (BMPs) for stormwater will reduce storm water impacts to less than significant. In order to make this claim, the BMPs that are applicable to the proposed project and how they minimize impacts must be summarized and described.

OVSD2-22

- Page 4.7-7 indicates that the proposed project would be required to prepare a Groundwater Hydrology Study to determine if dewatering activities would interfere with nearby water supplies (through implementation of BECSCP MM4.7-2). CEQA requires that impacts be mitigated and not deferred to a later date. The potential to interfere with nearby water supplies is a potentially significant impact and mitigation must not be deferred to a later date.

OVSD2-23

11. NOISE

- Page 4.9-3, 3rd paragraph indicates that older homes in California provide a reduction of exterior-to-interior noise levels of about 20 to 25 dBA, while newer residential units result in about a 30 dBA reduction. A reference for these data should be provided.

OVSD2-24

- The analysis of baseline noise impacts is inadequate. Noise readings are only provided along Beach Boulevard. No baseline noise readings were taken for the sensitive noise receptors in the vicinity of the proposed project, i.e., adjacent residential areas.

OVSD2-25

- The noise analysis uses a faulty baseline and needs to be revised. The EIR uses a baseline for noise-related traffic and related impacts that assumed 2030 traffic levels and conditions based on a full build-out of the BECSP (see page 4.9-15, last paragraph). This approach makes it impossible for decision makers and the general lay public to readily grasp the traffic and related impacts of the project itself on the environment as it presently exists. This use of this modified or future baseline approach has been invalidated by the court in Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council. The noise analysis must be revised to use an existing traffic baseline (2010 or 2011, not 2030).

OVSD2-26

- Noise mitigation measures (BECSP MM4.9-1) have been imposed that limit the use of high noise producing activities, including pile-driving activities. The Draft EIR did not evaluate the potential impacts of pile driving on construction noise levels which would underestimate the potential noise impacts during construction activities.

OVSD2-27

BW_006

- The Draft EIR concludes that construction noise impacts could result in impacts of about 83 dBA with mufflers (see Table 4.9-6) at the closest sensitive receptors to the proposed construction activities (residents about 75 feet away), which would exceed the 3 dBA significance threshold. The Draft EIR imposes mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 that require notification, the use of mufflers, scheduling of high noise producing activities, equipment be routed away from residential areas, and other similar mitigation measures (see pages 4.9-11 and 4.9-12). The Draft EIR then incorrectly concludes that there would be no significant noise impacts associated with proposed project construction activities (page 4.9-17, 2nd paragraph). However, there is no noise analysis that indicates that any of these mitigation measures would result in a reduction in construction related noise at 75 feet from construction activities. The Draft EIR concludes that "the construction activities would only occur during the permitted hours designated in the City of Huntington Beach Municipal Code." However, the EIR states that "for the purposes of this EIR, an increase of 3 dBA in ambient noise levels would be considered significant" (page 4.9-8). In fact, the construction noise levels would still exceed 3 dBA and remain significant. The project noise analysis assumed the use of mufflers which would still result in a noise level of about 83 dB at 75 feet (see Table 4.9-6). Mitigation measures such as notification and limiting hours of operations do not reduce noise impacts to less than 3 dBA. Therefore, the construction noise impacts would still remain significant after mitigation. OVSD2-28

- Table 4.9-8 should only compare the existing baseline noise levels (2010) with the expected project noise levels (as discussed in the previous comment). OVSD2-29

- The operational noise impacts incorrectly concludes that noise impacts would be less than significant and "the retail and commercial uses proposed on Beach Boulevard and Warner Avenue would be a continuation of existing retail and commercial uses at the project site" so "noise levels generated would not substantially change" (see Page 4.9-3 2nd paragraph). The conclusion is not supported with any data or analysis. The proposed project would result in a substantial increase in the intensity of development at the site including 279 residential units and additional commercial activities increasing traffic as well as other activities at the site. No analysis was provided for these noise impacts. No impacts were analyzed for special event or temporary activities, yet such activities as sales specials or restaurant weeks could result in temporary increase in noise at the project site which should have been analyzed. OVSD2-30

- The Draft EIR should include an analysis of the potential speech interference associated with short-term high level noise events. Considering that construction noise levels are about 83 dBA at the closest residential areas, construction of the project will have significant impacts on speech interference. OVSD2-31

BW_007

- Like project-related noise impacts, cumulative noise impacts will also be significant. Construction of the proposed project would expose nearby sensitive receptors to exterior noise levels above 55 dBA noise standard identified in the Huntington Beach Municipal Code. The Draft EIR estimates construction noise impacts at 83 dBA at nearby residents, yet dismisses this impact as temporary and less than significant. Yet no mitigation measures would reduce the cumulative impacts to less than 3 dBA. Therefore, cumulative noise impacts would also exceed the 3 dBA significance threshold and remain significant (see page 4.9-19). OVSD2-32

12. PUBLIC SERVICES (SCHOOLS)

- The Draft EIR used the incorrect environmental baseline for the schools and the data should have been updated to the year the environmental analysis commenced (2010). OVSD2-33

- The Draft EIR indicated that the current enrollment of Oak View Elementary School was 829 students (page 4.11-13, 1st paragraph). The Ocean View School District projected a capacity of 848 students (Ocean View School District, 2/16/11 letter). The projected student enrollment at Oak View Elementary school due to the proposed project is an additiona 185 students. Therefore, the proposed project would exceed the student capacity of Oak View Elementary School resulting in significant impacts. OVSD2-34

13. TRANSPORTATION/TRAFFIC

- The traffic analysis uses a faulty baseline and needs to be revised. The EIR uses a baseline for traffic and related impacts that assumed 2030 traffic levels and conditions based on a full build-out of the BECSP (see Table 4.13-2). This approach makes it impossible for decision makers and the general lay public to readily grasp the traffic and related impacts of the project itself on the environment as it presently exists. The use of this modified or future baseline approach has been invalidated by the court in Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council. The traffic analysis must be revised to use an existing traffic baseline (2010 or 2011, not 2030). The traffic analysis should be expanded to include other intersections in the local area. OVSD2-35

- Traffic impacts associated with the proposed project have been under estimated in the EIR. Table 4.13-3 compares the trip generation rates for the existing site theoretical land uses (as approved under the BECSP) to the trip generation rates for the proposed project land uses. This table under estimates the project impacts because it does not include the **actual** trip generation at the existing site (i.e., the baseline is inaccurate). Also, some of the commercial buildings are currently under utilized. The existing actual trip generation rates are the correct baseline (environmental conditions that exist when the NOP was released or when environmental analyses begins) to compare expected trips associated with the proposed project. The traffic impact analysis must OVSD2-36

BW_008

be revised to use actual trip generation rates for baseline conditions and compare them to the proposed project traffic estimate.

OVSD2-36 (cont.)

- Table 4.13-4 uses a faulty baseline and compares average daily trips (ADTs) in 2030 with and without the project. Again, the EIR must be revised to compare existing ADTs (2010 or 2011) to project ADTs.

OVSD2-37

- The conclusions regarding the impacts on the congestion management plans (CMP) needs to be reevaluated (Page 4.13-14, last 2 paragraphs). As discussed above, the project traffic impacts have been underestimated and would not result in a reduction in ADT if the correct traffic baseline was used.

OVSD2-38

- The cumulative traffic impacts are inadequate and need to be revised to incorporate the proper baseline and all cumulative projects, as discussed in No. 1 above. As discussed above, the project traffic impacts have been underestimated.

OVSD2-39

15. CLIMATE CHANGE

- The Draft EIR fails to provide a greenhouse gas (GHG) analysis, as required by CEQA. CEQA Guidelines §15064.4, states that a "lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting for a project." No baseline GHG emissions were calculated and no project-related GHG emission estimates were provided.

OVSD2-40

- The Climate Change analysis failed to present a correct baseline analysis, i.e., the environmental conditions that exist when the NOP was released or when environmental analyses begins. The baseline for the Climate Change analysis must be based on the land uses that exist on the site at the present time and not the theoretical maximum GHG emissions that could exist if the site was completely built out and all buildings were completely occupied.

OVSD2-41

- The discussion on Climate Change in the Draft EIR relied on the BECSP EIR. The Specific Plan EIR estimated that the GHG emissions associated with the entire plan was about 80,000 metric tons per year of carbon dioxide equivalent (CO2e) emissions and considered that these emissions were potentially significant. The Draft EIR imposed mitigation measures BECSP MM4.15-7 through MM4.15-9, as outlined below.

OVSD2-42

BECSP MM4.15-7 The City shall require that any new development within the Specific Plan area provide signs within loading dock areas clearly visible to truck drivers. These signs shall state that trucks cannot idle in excess of five minutes per trip.

BW_009

BECSP MM4.15-8 The City shall require by contract specifications that electrical outlets are included in the building design of future loading docks to allow use by refrigerated delivery trucks. Future project-specific Applicants shall require that all delivery trucks do not idle for more than five minutes. If loading and/or unloading of perishable goods would occur for more than five minutes, and continual refrigeration is required, all refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units when the delivery truck engine is turned off.

BECSP MM4.15-9 The City shall require that any new development within the project site provide a bulletin board or kiosk in the lobby of each proposed structure that identifies the locations and schedules of nearby transit opportunities.

OVSD2-42 (cont.)

California Air Resources Board regulations limit truck idling to 5 minutes, so this is not a mitigation measures but compliance with existing regulations. The GHG emissions prepared for the BECSP EIR did not include emissions from refrigerated delivery trucks, which would be a small portion of the truck deliveries to the project site. Posting transportation opportunities would not guarantee any enforceable emission reductions. So no mitigation measures have been imposed that would result in a quantifiable GHG emission reduction and GHG emissions remain significant.

- For construction GHG impacts, mitigation measures outline below were required and the EIR determined that implementation of theses mitigation measures would reduce the Climate Change impacts to less than significant. However, the mitigation measures are only aimed at criteria pollutants (e.g., all diesel-powered equipment would be retrofitted with after treatment products such as catalysts). After-treatment products on diesel engines have been used to control carbon monoxide, nitrogen oxides, and diesel particulate matter. Such equipment adds back pressure to the engine, reducing the efficiency of the engines, increasing the fuel use required to do the same work, and increasing GHG emissions. The use of alternative fuels does not reduce GHG emissions as fuel is still being combusted generating carbon dioxide emissions. No quantifiable emission reductions can be estimated using the following mitigation measures, therefore, GHG emissions remain significant.

OVSD2-43

BECSP MM4.15-1 The City shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) to the extent that they are readily available and cost effective when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

BECSP MM4.15-2 The City shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

BW_010

BECSP MM4.15-3 The City shall require that developers within the project site use locally available building materials, such as concrete, stucco, and interior finishes, for construction of the project and associated infrastructure.

BECSP MM4.15-4 The City shall require developers within the project site to establish a construction management plan with Rainbow Disposal to divert a target of 50 percent of construction, demolition, and site clearing waste.

BECSP MM4.15-5 The City shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

BECSP MM4.15-6 The City shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than five minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

OVSD2-43 (cont.)

- The Draft EIR could have easily reported the GHG emissions from the proposed project using the URBEMIS model, which was used to calculate criteria pollutant emissions. URBEMIS also calculates GHG emissions.

OVSD2-44

- The Draft EIR should have also developed significance thresholds. Various screening thresholds have been published by CARB, the California Air Pollution Control Officers Association (CAPCOA) and others. On December 5, 2008, the SCAQMD adopted an interim GHG Significance Threshold using a tiered approach for determining significance. The SCAQMD established a screening significance threshold level to determine significance using a 90 percent GHG emission capture rate, which corresponds to 10,000 metric tons of carbon dioxide (CO_2) equivalent emissions per year ($MTCO_2e/yr$) (the majority of combustion emissions are comprised of CO_2). If a project's GHG emissions exceed the GHG screening threshold, would be considered significant unless mitigation measures could reduce GHG emissions.

  On October 24, 2008, CARB released a *Preliminary Draft Staff Proposal* recommending GHG-related significance thresholds which lead agencies can use in the significance determination (CARB 2008). The final CARB recommendations are still pending; however, current recommendations are a sector-specific approach to develop a threshold for project that result in a substantial portion of the state's GHG emissions. The preliminary interim thresholds are for two sectors: 1) industrial projects, and 2) residential and commercial projects. The preliminary significance threshold developed by CARB is 7,000 metric tons of carbon dioxide-equivalent per year.

OVSD2-45

BW_011

GHG significance thresholds have also been established by the Bay Area Air Quality Management District. The BAAQMD established a significance threshold of 10,000 MT/year for stationary sources and 1,100 MT/year for projects other than stationary sources.

In conclusion, the GHG thresholds that have been developed are in the range of 1,100 to 10,000 MT/year. The BECSP EIR estimates of 80,000 metric tons per year of GHG emissions would well exceed any of these thresholds and would be considered significant. Therefore, the proposed project GHG emissions would also be significant and none of the developed mitigation measures would reduce GHG emissions to less than significant.

OVSD2-45 (cont.)

16. **ALTERNATIVES**

- Figure 6-1 is not legible and should be revised to accurately label the project alternative components.

OVSD2-46

- Table 6-5 does not accurately compare the baseline traffic to the no-project alternative. Table 4.13-3 compares the trip generation rates for the existing site theoretical land uses (as approved under the BECSP) to the trip generation rates for the no project alternative land uses. This table should report the **actual** trip generation at the existing site, not the projected trip rates in 2030. The existing actual trip generation rates are the correct baseline (environmental conditions that exist when the NOP was released or when environmental analyses begins) to compare expected trips associated with the no-project alternatives.

OVSD2-47

Based on the above review, the Draft EIR has fatal flaws, and must be revised, and the revised Draft EIR must be recirculated for public comments. Please call me at 714/632-8521, extension 241 if you have any questions or need additional information.

OVSD2-48

SINCERELY,

ENVIRONMENTAL AUDIT, INC.

Debra Bright Stevens

Debra A. Bright
Senior Vice President

DBS:MRB:db

M: DBS:2734Report.doc

BW_012

Totals and Open Seats

Download To Excel

Total Enrollment and Open Seats

School Name	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
CIRCLE VIEW Totals	751	725	704	675	675	689	700	703	713	717	760
OpenSeats	59	85	106	135	135	121	110	107	97	93	50
COLLEGE VIEW	471	505	527	540	537	529	527	523	528	532	536
	312	278	256	243	246	254	256	260	255	251	247
GOLDEN VIEW	536	545	543	529	518	500	499	497	500	502	505
	-23	-32	-30	-16	-5	13	14	16	13	11	8
HARBOUR VIEW	814	885	923	970	1013	1089	1103	1108	1120	1129	1134
	266	195	157	110	67	-9	-23	-28	-40	-49	-54
HOPE VIEW	702	751	795	839	850	866	869	869	879	882	886
	81	32	-12	-56	-67	-83	-86	-86	-96	-99	-103
LAKE VIEW	387	384	377	373	364	367	368	366	372	374	377
	180	183	190	194	203	200	199	201	195	193	190
OAK VIEW	797	819	859	883	939	1021	1050	1067	1084	1091	1094
	67	45	5	-19	-75	-157	-186	-203	-220	-227	-230
STAR VIEW	614	679	731	796	842	888	895	896	909	915	918
	88	23	-29	-94	-140	-186	-193	-194	-207	-213	-216
SUN VIEW	331	344	363	393	414	452	458	459	463	465	468
	317	304	285	255	234	196	190	189	185	183	180
VILLAGE VIEW	625	641	680	713	724	747	759	763	773	778	779
	158	142	103	70	59	36	24	20	10	5	4
WESTMONT	371	386	399	440	460	496	502	507	514	518	519
	466	451	438	397	377	341	335	330	323	319	318
MARINE VIEW	857	905	882	913	911	913	961	1024	1090	1094	1090
	47	-95	-72	-103	-101	-103	-151	-214	-280	-284	-280
MESA VIEW	742	726	713	741	762	780	787	804	808	799	791
	122	138	151	123	102	84	77	60	56	65	73
SPRING VIEW	777	753	769	770	823	825	870	888	923	913	916
	87	111	95	94	41	39	-6	-24	-59	-49	-52
VISTA VIEW	768	744	725	713	727	719	781	837	879	884	879
	204	228	247	259	245	253	191	135	93	88	93
Total	9219	9352	9347	9543	9792	9990	10288	10559	10881	11129	11311
	2661	2520	2533	2337	2088	1890	1592	1321	999	751	569

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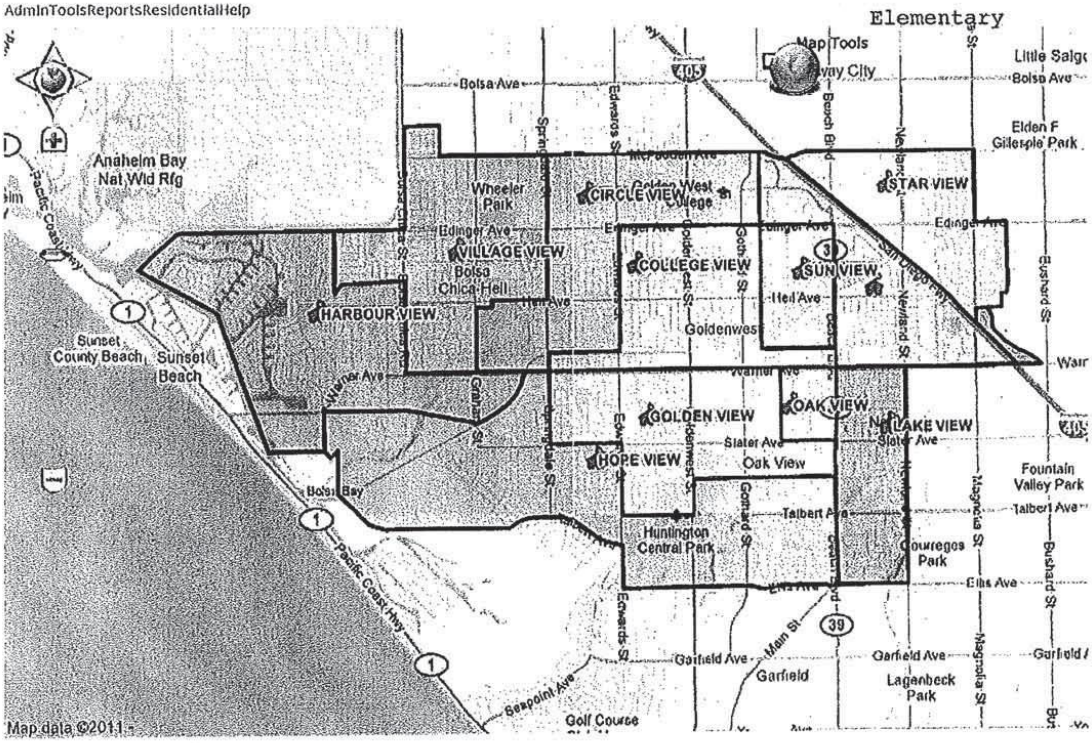
Elementary



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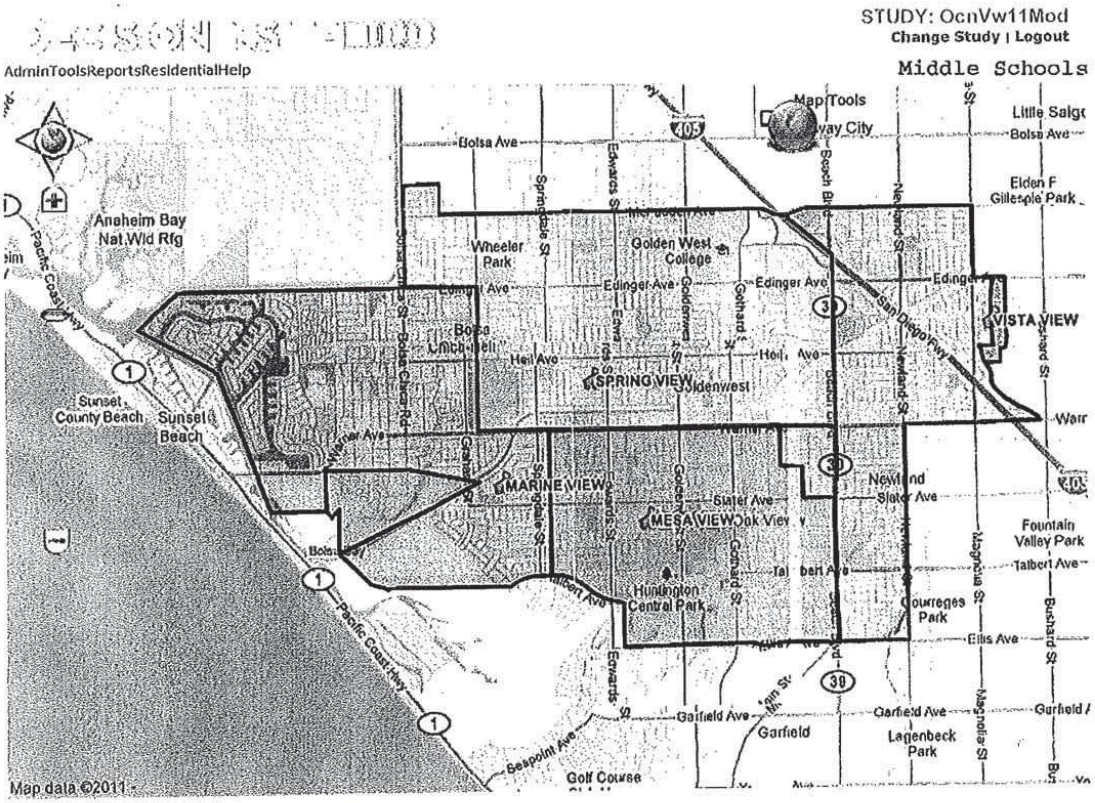

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Projections

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Ocean View School District (OcnVw11Mod)

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	1005	1117	1005	1187	1236	1171	1201	1220	1316	1304	1292	1280	1269	1264
1	968	983	1099	995	1196	1246	1183	1213	1224	1313	1301	1289	1277	1273
2	993	970	998	1047	988	1190	1242	1179	1207	1217	1307	1295	1283	1278
3	965	1008	971	998	1059	1003	1208	1259	1183	1211	1222	1311	1299	1294
4	1010	996	1007	968	1006	1072	1017	1221	1262	1186	1213	1224	1314	1308
5	1031	1034	1015	1007	976	1017	1085	1031	1224	1264	1188	1215	1226	1321
6	1092	1031	1029	987	1007	986	1024	1089	1018	1200	1239	1164	1191	1209
7	1075	1133	1062	1047	1005	1026	1012	1048	1098	1027	1209	1249	1173	1206
8	1080	1080	1161	1038	1046	1008	1030	1013	1046	1096	1026	1208	1249	1178
Subtotals:	9219	9352	9347	9274	9519	9719	10002	10273	10578	10818	10997	11235	11281	11331
Pct Chg:		1.4%	-0.1%	-0.8%	2.6%	2.1%	2.9%	2.7%	3%	2.3%	1.7%	2.2%	0.4%	0.4%
SDC:	0	0	0	269	268	273	281	293	303	308	312	317	318	321
Totals:	9219	9352	9347	9543	9787	9992	10283	10566	10881	11126	11309	11552	11599	11652
Capacity:	11880	11880	11880	11880	11880	11880	11880	11880	11880	11880	11880	11880	11880	11880
Open Seats:	2661	2528	2533	2337	2093	1888	1597	1314	999	754	571	328	281	228

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All Middle Schools

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All Middle Schools (OcnVw11Mod)

MARINE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	331	255	303	277	309	282	306	311	289	358	373	354	363	367
7	280	336	267	311	282	315	288	311	313	290	360	375	356	366
8	298	282	343	269	314	285	319	289	311	313	291	361	375	357
Subtotals:	909	873	913	857	905	882	913	911	913	961	1024	1090	1094	1090
Pct Chg:		-4%	4.6%	-6.1%	5.6%	-2.5%	3.5%	-0.2%	0.2%	5.3%	6.6%	6.4%	0.4%	-0.4%
SDC:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	909	873	913	857	905	882	913	911	913	961	1024	1090	1094	1090
Capacity:	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Open Seats:	-99	-63	-103	-47	-95	-72	-103	-101	-103	-151	-214	-280	-284	-280

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Enrollment Projections

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All Middle Schools (OcnVw11Mod)

MESA VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	232	262	243	227	226	222	252	249	243	260	265	247	251	253
7	233	244	257	238	228	228	225	252	248	242	260	265	247	252
8	231	240	247	241	237	228	228	224	251	247	241	258	263	247
Subtotals:	696	746	747	706	691	678	705	725	742	749	766	770	761	752
Pct Chg:		7.2%	0.1%	-5.5%	-2.1%	-1.9%	4%	2.8%	2.3%	0.9%	2.3%	0.5%	-1.2%	-1.2%
SDC:	0	0	0	36	35	35	36	37	38	38	38	38	38	39
Totals:	696	746	747	742	726	713	741	762	780	787	804	808	799	791
Capacity:	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Open Seats:	168	118	117	122	138	151	123	102	84	77	60	56	65	73

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Enrollment Projections

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All Elementary Schools (OcnVw11Mod)

OAK VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	152	130	127	180	189	179	184	186	201	199	197	195	193	191
1	125	142	127	117	169	177	169	173	175	189	187	185	183	181
2	132	130	146	108	109	159	166	158	167	169	183	181	179	177
3	122	140	115	135	103	104	152	160	155	164	166	179	177	175
4	113	120	130	107	128	97	98	145	156	151	160	161	174	172
5	111	112	111	130	101	122	92	93	141	152	147	155	157	170
Subtotals:	755	774	756	777	799	838	861	915	995	1024	1040	1056	1063	1066
Pct Chg:		2.5%	-2.3%	2.8%	2.8%	4.9%	2.7%	6.3%	8.7%	2.9%	1.6%	1.5%	0.7%	0.3%
SDC:	0	0	0	20	20	21	22	24	26	26	27	28	28	28
Totals:	755	774	756	797	819	859	883	939	1021	1050	1067	1084	1091	1094
Capacity:	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Open Seats:	109	90	108	67	45	5	-19	-75	-157	-186	-203	-220	-227	-230

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All Middle Schools (OcnVw11Mod)

MARINE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	331	255	303	277	309	282	306	311	289	358	373	354	363	367
7	280	336	267	311	282	315	288	311	313	290	360	375	356	366
8	298	282	343	269	314	285	319	289	311	313	291	361	375	357
Subtotals:	909	873	913	857	905	882	913	911	913	961	1024	1090	1094	1090
Pct Chg:		-4%	4.6%	-6.1%	5.6%	-2.5%	3.5%	-0.2%	0.2%	5.3%	6.6%	6.4%	0.4%	-0.4%
SDC:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	909	873	913	857	905	882	913	911	913	961	1024	1090	1094	1090
Capacity:	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Open Seats:	-99	-63	-103	-47	-95	-72	-103	-101	-103	-151	-214	-280	-284	-280

MESA VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	232	262	243	227	226	222	252	249	243	260	265	247	251	253
7	233	244	257	238	228	228	225	252	248	242	260	265	247	252
8	231	240	247	241	237	228	228	224	251	247	241	258	263	247
Subtotals:	696	746	747	706	691	678	705	725	742	749	766	770	761	752
Pct Chg:		7.2%	0.1%	-5.5%	-2.1%	-1.9%	4%	2.8%	2.3%	0.9%	2.3%	0.5%	-1.2%	-1.2%
SDC:	0	0	0	36	35	35	36	37	38	38	38	38	38	39
Totals:	696	746	747	742	726	713	741	762	780	787	804	808	799	791
Capacity:	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Open Seats:	168	118	117	122	138	151	123	102	84	77	60	56	65	73

SPRING VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	277	250	234	247	237	248	247	286	252	296	305	285	287	297
7	302	289	277	241	256	245	258	258	292	257	301	311	291	298
8	276	301	305	266	238	253	242	255	257	291	256	300	309	293
Subtotals:	855	840	816	754	731	746	747	799	801	844	862	896	887	888
Pct Chg:		-1.8%	-2.9%	-7.6%	-3.1%	2.1%	0.1%	7%	0.3%	5.4%	2.1%	3.9%	-1%	0.1%
SDC:	0	0	0	23	22	23	23	24	24	26	26	27	26	28
Totals:	855	840	816	777	753	769	770	823	825	870	888	923	913	916
Capacity:	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Open Seats:	9	24	48	87	111	95	94	41	39	-6	-24	-59	-49	-52

VISTA VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
6	252	264	249	236	235	234	219	243	235	286	297	277	289	292
7	260	264	261	257	239	238	241	227	244	237	288	299	279	291
8	275	257	266	262	257	241	241	245	228	245	238	289	301	281
Subtotals:	787	785	776	755	731	713	701	715	707	768	823	865	869	864
Pct Chg:		-0.3%	-1.1%	-2.7%	-3.2%	-2.5%	-1.7%	2%	-1.1%	8.6%	7.2%	5.1%	0.5%	-0.6%
SDC:	0	0	0	13	13	12	12	12	12	13	14	14	15	15
Totals:	787	785	776	768	744	725	713	727	719	781	837	879	884	879
Capacity:	972	972	972	972	972	972	972	972	972	972	972	972	972	972
Open Seats:	185	187	196	204	228	247	259	245	253	191	135	93	88	93

Totals

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020

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Enrollment Projections

6	1092	1031	1029	987	1007	986	1024	1089	1019	1200	1240	1163	1190	1209
7	1075	1133	1062	1047	1005	1026	1012	1048	1097	1026	1209	1250	1173	1207
8	1080	1080	1161	1038	1046	1007	1030	1013	1047	1096	1026	1208	1248	1178
Subtotals:	3247	3244	3252	3072	3058	3019	3066	3150	3163	3322	3475	3621	3611	3594
Pct Chg:		-0.1%	0.2%	-5.5%	-0.5%	-1.3%	1.6%	2.7%	0.4%	5%	4.6%	4.2%	-0.3%	-0.5%
SDC:	0	0	0	72	70	70	71	74	74	77	77	79	79	83
Totals:	3247	3244	3252	3144	3128	3089	3137	3224	3237	3399	3552	3700	3690	3677
Capacity:	3510	3510	3510	3510	3510	3510	3510	3510	3510	3510	3510	3510	3510	3510
Open Seats:	263	266	258	366	382	421	373	286	273	111	-42	-190	-180	-167

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CIRCLE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	107	125	132	116	122	115	118	120	129	128	127	126	124	130
1	84	105	119	103	107	112	106	109	110	119	117	116	115	121
2	100	96	115	109	103	107	112	106	109	110	118	117	116	122
3	100	103	95	137	110	103	107	112	106	109	110	119	117	123
4	137	137	134	129	139	112	105	109	113	107	110	111	120	125
5	145	150	145	144	132	143	115	107	110	115	109	111	112	126
Subtotals:	673	716	740	738	713	692	663	663	677	688	691	700	704	747
Pct Chg:		6.4%	3.4%	-0.3%	-3.4%	-2.9%	-4.2%	0%	2.1%	1.6%	0.4%	1.3%	0.6%	6.1%
SDC:	0	0	0	13	12	12	12	12	12	12	12	13	13	13
Totals:	673	716	740	751	725	704	675	675	689	700	703	713	717	760
Capacity:	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Open Seats:	137	94	70	59	85	106	135	135	121	110	107	97	93	50

COLLEGE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	89	98	93	79	83	78	80	81	87	86	86	85	84	84
1	68	76	86	84	79	82	77	79	80	86	85	84	83	83
2	68	66	72	86	88	83	87	82	82	82	88	88	87	86
3	68	64	73	80	93	94	89	93	85	85	86	92	91	90
4	73	66	68	71	85	99	100	95	96	88	87	88	95	94
5	69	74	70	71	77	91	107	107	99	100	91	91	92	99
Subtotals:	435	444	462	471	505	527	540	537	529	527	523	528	532	536
Pct Chg:		2.1%	4.1%	1.9%	7.2%	4.4%	2.5%	-0.6%	-1.5%	-0.4%	-0.8%	1%	0.8%	0.8%
SDC:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	435	444	462	471	505	527	540	537	529	527	523	528	532	536
Capacity:	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Open Seats:	348	339	321	312	278	256	243	246	254	256	260	255	251	247

GOLDEN VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	87	97	91	82	82	76	76	76	82	82	81	80	79	79
1	84	91	92	96	82	82	76	76	76	81	81	80	79	79
2	81	84	92	88	98	84	84	77	77	77	82	81	81	80
3	84	82	80	89	86	97	82	82	76	76	76	81	80	80
4	87	81	71	80	89	86	98	82	82	76	76	76	81	80
5	93	78	89	75	82	92	88	100	83	83	77	77	77	82
Subtotals:	516	513	515	510	519	517	504	493	476	475	473	475	477	480
Pct Chg:		-0.6%	0.4%	-1%	1.8%	-0.4%	-2.5%	-2.2%	-3.4%	-0.2%	-0.4%	0.4%	0.4%	0.6%
SDC:	0	0	0	26	26	26	25	25	24	24	24	25	25	25
Totals:	516	513	515	536	545	543	529	518	500	499	497	500	502	505
Capacity:	513	513	513	513	513	513	513	513	513	513	513	513	513	513
Open Seats:	-3	0	-2	-23	-32	-30	-16	-5	13	14	16	13	11	8

HARBOUR VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	132	126	104	164	172	163	167	169	182	181	179	177	176	174

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1	125	122	131	116	174	183	173	177	179	193	191	189	187	186
2	121	124	129	140	118	177	186	176	179	181	195	193	191	189
3	116	119	132	134	140	118	178	186	176	179	181	195	193	191
4	138	123	115	142	138	144	121	183	189	179	182	184	198	196
5	126	141	124	118	143	138	145	122	184	190	180	182	184	198
Subtotals:	758	755	735	814	885	923	970	1013	1089	1103	1108	1120	1129	1134
Pct Chg:		-0.4%	-2.6%	10.7%	8.7%	4.3%	5.1%	4.4%	7.5%	1.3%	0.5%	1.1%	0.8%	0.4%
SDC:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	758	755	735	814	885	923	970	1013	1089	1103	1108	1120	1129	1134
Capacity:	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080
Open Seats:	322	325	345	266	195	157	110	67	-9	-23	-28	-40	-49	-54

HOPE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	96	123	120	137	142	137	143	146	156	155	153	152	151	150
1	119	104	129	127	139	146	141	143	144	153	152	151	149	148
2	115	116	103	122	125	138	145	137	140	140	150	149	147	146
3	87	110	118	109	126	131	144	147	137	140	140	150	149	147
4	108	86	102	106	111	129	134	143	146	136	139	139	148	147
5	100	107	83	101	108	114	132	134	143	145	135	138	138	148
Subtotals:	625	646	655	702	751	795	839	850	866	869	869	879	882	886
Pct Chg:		3.4%	1.4%	7.2%	7%	5.9%	5.5%	1.3%	1.9%	0.3%	0%	1.2%	0.3%	0.5%
SDC:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	625	646	655	702	751	795	839	850	866	869	869	879	882	886
Capacity:	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Open Seats:	158	137	128	81	32	-12	-56	-67	-83	-86	-86	-96	-99	-103

LAKE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	63	67	57	54	55	51	51	51	55	55	54	54	53	53
1	70	62	76	55	56	56	52	53	53	57	56	56	55	55
2	67	61	59	57	51	52	52	48	51	51	55	54	54	53
3	56	65	73	56	61	55	55	56	50	53	53	57	56	56
4	63	62	62	58	57	62	56	56	57	51	53	53	57	57
5	75	65	67	61	59	57	63	57	57	57	51	53	54	58
Subtotals:	394	382	394	341	339	333	329	321	323	324	322	327	329	332
Pct Chg:		-3%	3.1%	-13.5%	-0.6%	-1.8%	-1.2%	-2.4%	0.6%	0.3%	-0.6%	1.6%	0.6%	0.9%
SDC:	0	0	0	46	45	44	44	43	44	44	44	45	45	45
Totals:	394	382	394	387	384	377	373	364	367	368	366	372	374	377
Capacity:	567	567	567	567	567	567	567	567	567	567	567	567	567	567
Open Seats:	173	185	173	180	183	190	194	203	200	199	201	195	193	190

OAK VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	152	130	127	180	189	179	184	186	201	199	197	195	193	191
1	125	142	127	117	169	177	169	173	175	189	187	185	183	181
2	132	130	146	108	109	159	166	158	167	169	183	181	179	177
3	122	140	115	135	103	104	152	160	155	164	166	179	177	175
4	113	120	130	107	128	97	98	145	156	151	160	161	174	172
5	111	112	111	130	101	122	92	93	141	152	147	155	157	170
Subtotals:	755	774	756	777	799	838	861	915	995	1024	1040	1056	1063	1066
Pct Chg:		2.5%	-2.3%	2.8%	2.8%	4.9%	2.7%	6.3%	8.7%	2.9%	1.6%	1.5%	0.7%	0.3%
SDC:	0	0	0	20	20	21	22	24	26	26	27	28	28	28
Totals:	755	774	756	797	819	859	883	939	1021	1050	1067	1084	1091	1094

BW_023

Capacity:	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Open Seats:	109	90	108	67	45	5	-19	-75	-157	-186	-203	-220	-227	-230

STAR VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	82	101	79	117	122	115	117	118	128	127	126	125	124	123
1	95	89	100	108	144	150	142	144	146	156	154	153	152	150
2	90	94	87	100	107	143	149	140	144	145	155	154	152	151
3	95	88	94	87	104	111	148	154	143	146	148	158	156	155
4	78	91	92	95	88	105	113	150	155	144	147	149	159	157
5	90	84	96	94	100	92	110	118	153	158	147	150	152	162
Subtotals:	530	547	548	601	665	716	779	824	869	876	877	889	895	898
Pct Chg:		3.2%	0.2%	9.7%	10.6%	7.7%	8.8%	5.8%	5.5%	0.8%	0.1%	1.4%	0.7%	0.3%
SDC:	0	0	0	13	14	15	17	18	19	19	19	20	20	20
Totals:	530	547	548	614	679	731	796	842	888	895	896	909	915	918
Capacity:	702	702	702	702	702	702	702	702	702	702	702	702	702	702
Open Seats:	172	155	154	88	23	-29	-94	-140	-186	-193	-194	-207	-213	-216

SUN VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	41	48	48	69	72	69	71	72	77	77	76	75	74	74
1	58	41	47	38	64	67	63	65	66	71	70	70	69	68
2	55	54	43	50	40	67	70	67	67	68	73	72	71	71
3	66	64	55	41	50	40	67	70	67	67	68	73	72	71
4	58	70	67	49	41	50	40	66	70	67	66	67	72	72
5	72	62	66	55	47	39	48	38	65	68	65	65	66	71
Subtotals:	350	339	326	302	314	332	359	378	412	418	418	422	424	427
Pct Chg:		-3.1%	-3.8%	-7.4%	4%	5.7%	8.1%	5.3%	9%	1.5%	0%	1%	0.5%	0.7%
SDC:	0	0	0	29	30	31	34	36	40	40	41	41	41	41
Totals:	350	339	326	331	344	363	393	414	452	458	459	463	465	468
Capacity:	648	648	648	648	648	648	648	648	648	648	648	648	648	648
Open Seats:	298	309	322	317	304	285	255	234	196	190	189	185	183	180

VILLAGE VIEW

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	92	114	99	117	123	116	119	121	130	129	128	127	125	124
1	81	95	118	105	117	122	116	119	120	129	128	127	126	124
2	110	84	100	113	106	118	124	117	119	121	130	129	127	126
3	93	108	82	89	112	105	117	123	117	119	120	129	128	127
4	85	91	107	77	89	112	106	118	123	117	119	121	130	128
5	77	89	101	107	77	89	112	106	118	123	117	119	120	129
Subtotals:	538	581	607	608	624	662	694	704	727	738	742	752	756	758
Pct Chg:		8%	4.5%	0.2%	2.6%	6.1%	4.8%	1.4%	3.3%	1.5%	0.5%	1.3%	0.5%	0.3%
SDC:	0	0	0	17	17	18	19	20	20	21	21	21	22	21
Totals:	538	581	607	625	641	680	713	724	747	759	763	773	778	779
Capacity:	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Open Seats:	245	202	176	158	142	103	70	59	36	24	20	10	5	4

WESTMONT

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	64	88	55	72	75	72	76	81	87	86	85	85	84	83
1	59	56	74	46	66	69	68	74	75	80	80	79	78	77
2	54	61	52	74	44	63	69	70	73	74	79	78	77	77
3	78	65	54	41	75	45	67	74	71	73	74	79	79	78

BW_024

4	70	69	59	54	42	76	48	72	75	71	74	75	80	80
5	73	72	63	51	50	39	73	48	71	73	69	72	73	78
Subtotals:	398	411	357	338	352	364	401	419	452	457	461	468	471	473
Pct Chg:		3.3%	-13.1%	-5.3%	4.1%	3.4%	10.2%	4.5%	7.9%	1.1%	0.9%	1.5%	0.6%	0.4%
SDC:	0	0	0	33	34	35	39	41	44	45	46	46	47	46
Totals:	398	411	357	371	386	399	440	460	496	502	507	514	518	519
Capacity:	837	837	837	837	837	837	837	837	837	837	837	837	837	837
Open Seats:	439	426	480	466	451	438	397	377	341	335	330	323	319	318

Totals

Grade	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
K	1005	1117	1005	1187	1237	1171	1202	1221	1314	1305	1292	1281	1267	1265
1	968	983	1099	995	1197	1246	1183	1212	1224	1314	1301	1290	1276	1272
2	993	970	998	1047	989	1191	1244	1178	1208	1218	1308	1296	1282	1278
3	965	1008	971	998	1060	1003	1206	1257	1183	1211	1222	1312	1298	1293
4	1010	996	1007	968	1007	1072	1019	1219	1262	1187	1213	1224	1314	1308
5	1031	1034	1015	1007	976	1016	1085	1030	1224	1264	1188	1213	1225	1321
Subtotals:	5972	6108	6095	6202	6466	6699	6939	7117	7415	7499	7524	7616	7662	7737
Pct Chg:		2.3%	-0.2%	1.8%	4.3%	3.6%	3.6%	2.6%	4.2%	1.1%	0.3%	1.2%	0.6%	1%
SDC:	0	0	0	197	198	203	211	219	228	231	235	238	240	238
Totals:	5972	6108	6095	6399	6664	6902	7150	7336	7643	7730	7759	7854	7902	7975
Capacity:	8370	8370	8370	8370	8370	8370	8370	8370	8370	8370	8370	8370	8370	8370
Open Seats:	2398	2262	2275	1971	1706	1468	1220	1034	727	640	611	516	468	395

BW_025

Capacity

Legend: Normal Inherited

	School	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Edit	CIRCLE VIEW	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Edit	COLLEGE VIEW	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Edit	GOLDEN VIEW	513	513	513	513	513	513	513	513	513	513	513	513	513	513
Edit	HARBOUR VIEW	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080	1080
Edit	HOPE VIEW	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Edit	LAKE VIEW	567	567	567	567	567	567	567	567	567	567	567	567	567	567
Edit	OAK VIEW	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Edit	STAR VIEW	702	702	702	702	702	702	702	702	702	702	702	702	702	702
Edit	SUN VIEW	648	648	648	648	648	648	648	648	648	648	648	648	648	648
Edit	VILLAGE VIEW	783	783	783	783	783	783	783	783	783	783	783	783	783	783
Edit	WESTMONT	837	837	837	837	837	837	837	837	837	837	837	837	837	837
Edit	MARINE VIEW	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Edit	MESA VIEW	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Edit	SPRING VIEW	864	864	864	864	864	864	864	864	864	864	864	864	864	864
Edit	VISTA VIEW	972	972	972	972	972	972	972	972	972	972	972	972	972	972

BW_026

Oak View

3/10/2011

2010-2011

Enrollment by Grade and Teacher

Teacher	K			1			2			3			4			5			ALL		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
302 Friedmann 1FD	10	8	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	8	18
303 Gillespie 3PM	12	9	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	9	21
304 Glavinic 2AM	13	9	22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	9	22
473 King 8	2	2	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	4
305 McAdams 2PM	12	11	23	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	11	23
308 Moorhead 4FD	13	11	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	11	24
306 Reichen/Davi K1	8	12	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	12	20
307 Saez K2	7	12	19	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	12	19
474 Taylor 3AM	13	11	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	11	24
317 Bennett 12	-	-	-	13	11	24	-	-	-	-	-	-	-	-	-	-	-	-	13	11	24
314 Davis 6	-	-	-	11	12	23	-	-	-	-	-	-	-	-	-	-	-	-	11	12	23
315 Diaz 7	-	-	-	12	12	24	-	-	-	-	-	-	-	-	-	-	-	-	12	12	24
473 King 8	-	-	-	3	-	3	-	-	-	-	-	-	-	-	-	-	-	-	3	-	3
316 Ruitenschild 5	-	-	-	12	10	22	-	-	-	-	-	-	-	-	-	-	-	-	12	10	22
318 Shikuma 9	-	-	-	14	9	23	-	-	-	-	-	-	-	-	-	-	-	-	14	9	23
327 Grant 15	-	-	-	-	-	-	11	10	21	-	-	-	-	-	-	-	-	-	11	10	21
473 King 8	-	-	-	-	-	-	4	2	6	-	-	-	-	-	-	-	-	-	4	2	6
328 Kozlowski 14	-	-	-	-	-	-	11	11	22	-	-	-	-	-	-	-	-	-	11	11	22
329 Lewis 20	-	-	-	-	-	-	12	11	23	-	-	-	-	-	-	-	-	-	12	11	23
322 Manicom 16	-	-	-	-	-	-	10	11	21	-	-	-	-	-	-	-	-	-	10	11	21
326 VonSchonfeldt 13	-	-	-	-	-	-	12	10	22	-	-	-	-	-	-	-	-	-	12	10	22
312 Berkers 11	-	-	-	-	-	-	-	-	-	11	11	22	-	-	-	-	-	-	11	11	22
360 Bernstein/Reichman 2	-	-	-	-	-	-	-	-	-	11	12	23	-	-	-	-	-	-	11	12	23
331 Field 30	-	-	-	-	-	-	-	-	-	12	10	22	-	-	-	-	-	-	12	10	22
320 Lozano 31	-	-	-	-	-	-	-	-	-	11	10	21	-	-	-	-	-	-	11	10	21
309 Volmensky 28	-	-	-	-	-	-	-	-	-	11	11	22	-	-	-	-	-	-	11	11	22
472 Willis 21	-	-	-	-	-	-	-	-	-	1	2	3	-	-	-	-	-	-	1	2	3
336 Wilson-Weis 26	-	-	-	-	-	-	-	-	-	11	11	22	-	-	-	-	-	-	11	11	22
348 Dworkin P1	-	-	-	-	-	-	-	-	-	-	-	-	12	16	28	-	-	-	12	16	28
347 Knipp P2	-	-	-	-	-	-	-	-	-	-	-	-	15	13	28	-	-	-	15	13	28
349 Salas-Yoshii P3	-	-	-	-	-	-	-	-	-	-	-	-	13	15	28	-	-	-	13	15	28
346 Walton P4	-	-	-	-	-	-	-	-	-	-	-	-	13	15	28	-	-	-	13	15	28
472 Willis 21	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2	-	-	-	1	1	2

BW_027

Oak View

Enrollment by Grade and Teacher

2010-2011 — 3/10/2011 — Page 2

Teacher	K			1			2			3			4			5			ALL		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
301 Helo 25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19	14	33	19	14	33
351 Rothman 24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17	14	31	17	14	31
469 Schraff 22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17	14	31	17	14	31
364 Stoner 23	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	17	33	16	17	33
472 Willis 21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	3	5	2	3	5
School Total:	90	85	175	65	54	119	60	55	115	68	67	135	54	60	114	71	62	133	408	383	791

BW_028

Marine View Middle School

3/10/2011

2010-2011

Enrollment by Grade and Teacher

Teacher	6			7			8			ALL		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
099 Bickler 3	15	12	27	-	-	-	-	-	-	15	12	27
171 Girotti 10	14	18	32	-	-	-	-	-	-	14	18	32
198 Greaves 13	13	16	29	-	-	-	-	-	-	13	16	29
161 Hardy 1	17	14	31	-	-	-	-	-	-	17	14	31
075 Mendoza 2	20	14	34	-	-	-	-	-	-	20	14	34
173 Morse 9	16	15	31	-	-	-	-	-	-	16	15	31
048 Robinson, M. 12	10	18	28	-	-	-	-	-	-	10	18	28
199 Soldan 4	15	18	33	-	-	-	-	-	-	15	18	33
201 Truong 11	17	14	31	-	-	-	-	-	-	17	14	31
167 Becker 19	-	-	-	17	14	31	-	-	-	17	14	31
087 Blyth PEC	-	-	-	16	13	29	-	-	-	16	13	29
178 Dang 15	-	-	-	19	13	32	-	-	-	19	13	32
192 Davis 21	-	-	-	15	12	27	-	-	-	15	12	27
031 Fotinakes 14	-	-	-	17	13	30	-	-	-	17	13	30
175 Hoffman 29	-	-	-	16	12	28	-	-	-	16	12	28
095 Reed 5	-	-	-	17	7	24	-	-	-	17	7	24
101 Silver 30	-	-	-	14	12	26	-	-	-	14	12	26
113 Stahl LIB	-	-	-	18	9	27	-	-	-	18	9	27
068 Weast-Mc Alister 25	-	-	-	17	13	30	-	-	-	17	13	30
080 Ybarra 22	-	-	-	17	14	31	-	-	-	17	14	31
187 Brean 28	-	-	-	-	-	-	15	15	30	15	15	30
146 Carlile 24	-	-	-	-	-	-	11	19	30	11	19	30
157 Estrada 20	-	-	-	-	-	-	13	20	33	13	20	33
038 Haun 17	-	-	-	-	-	-	19	16	35	19	16	35
064 Henderson 32	-	-	-	-	-	-	12	12	24	12	12	24
059 Loyd 26	-	-	-	-	-	-	13	15	28	13	15	28
200 Robinson, D. 16	-	-	-	-	-	-	17	13	30	17	13	30
182 Sanford STG	-	-	-	-	-	-	13	15	28	13	15	28
122 Spencer 18	-	-	-	-	-	-	9	21	30	9	21	30
School Total:	137	139	276	183	132	315	122	146	268	442	417	859

BW_029

B C A

architecture
planning
interiors

CONDITION ASSESSMENTS
7 - LEASED PROPERTIES

PREPARED FOR

PARK VIEW SCHOOL
OCEAN VIEW SCHOOL DISTRICT

December 11, 2007
Final

BCA Architects
www.BCA IncOnline.com

Corporate Office
210 Hammond Ave. ■ Fremont, CA 94539
[T] 510 445.1000 [F] 510 445.1005

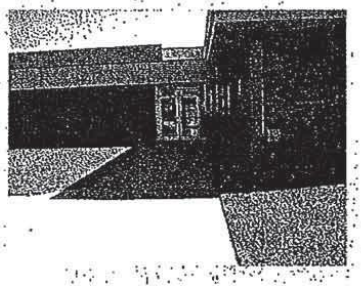
Branch Office
519 West Main Street
Merced, CA 95340

Branch Office
402 West Broadway, Suite 400
San Diego, CA 92101

BW_030

PARK VIEW SCHOOL

16666 Tunstall Lane, Huntington Beach, CA 92647



Site:	11.45 acre
Year Built:	circa 1968 (age of relocatable building not known)
Number of Teaching Spaces:	16
Student capacity:	432 (assuming 27 students per classroom)

Tenant:	Huntington Beach Union High School District- adult and secondary instructional programs		
Rental:	Entire Site		
Rent:	$0.615/sf	$25,981.29/month	$311,775.48/year
Sanitation Fees:	N/A		
Term of lease:	July 01, 2007 – June 30, 2008 (year 2 of 5 year lease)		

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BW_031

CONDITION ASSESSMENT EXECUTIVE SUMMARY

The Park View School Campus is located at 16666 Tunstall Lane, Huntington Beach, California 92647. Originally built in 1968 to serve as Elementary School, the campus is currently rented to Huntington Beach Union High School District to provide adult and secondary institutional programs. No record of campus renovation since its construction was found, however the buildings on campus do not match the latest set of drawings found at the archive room, OVSD Operations and Facilities offices. BCA Architects requested that OVSD enquires with the tenant to obtain documents of additions and modernization to buildings. The open field located on the east and south part of the site is used and maintained by the Ocean View Little League.

Site: Main Building, modular building and parking lots are located on the northwest part of 11.46 acre fenced site. The parking lots need to be resurfaced. The concrete sidewalks around the buildings on site are damaged/ cracked and need to be repaired/replaced. Fenced Basketball and tennis court are located south of Main Building.

Buildings: The total building area (including breezeways) is 44,907 sf.

- Building Area A- Administration
- Building Area B- Nursery, Classrooms, Offices and Multipurpose Room
- Building Area C- Classrooms
- Building Area D- Computer Training Center and Offices
- Building Area E- Classrooms
- Modular Building T- Medical Assisting Classroom

Roofs: Report provided to BCA Architects by OVSD and prepared by TREMCO in 2007.

- Square Footage – 46,000
- Life Expectancy – 12 years with recommendations
- Replacement Cost (Per Square) – $800
- Overall Condition –
  - Emulsion built-up system with fibrated aluminum surfacing
  - Minor wear at drain points
- Recommendations –
  - Maintenance to keep roof systems in good condition
  - Remedial repairs budget - $0

Page 2 of 6

BW_032

Building Exteriors:

- Exterior walls- brick; stone veneer at main entry only. Cracks in the brick walls were observed. Exposed Gulam beam need maintenance for weather conditions.
- Windows:
  - Building Area A- Steel- fixed; aluminum- fixed; aluminum storefront.
  - Building Area B- wood-fixed.
  - Building Area C- wood- fixed; aluminum-fixed; steel-fixed.
  - Building Area D- steel- fixed
  - Building Area E- wood-fixed
  - Modular Building T- aluminum, sliders
- Exterior doors: typical aluminum storefronts or steel frame/wood door

Hazardous materials: Report provided to BCA Architects by OVSD and prepared by Executive Environmental Services Corporation in 2001.

The U.S Environmental Protection Agency (EPA) has requirement for three-year re-inspection.

Per Mr. Scott Stark, Facilities and Operations Manager, OVSD hazardous materials re-inspections will be done within 3 months of the date of this report.

Summary of Hazardous materials found at Park View School and recommendations:

- Friable sprayed-on fireproofing located on steel beams above the drop ceilings. It is recommended that access to attic areas be restricted and that the tops of the ceiling panels be HEPA vacuumed on periodic bases. This material should be placed on the school's Operations and Maintenance Plan until removed or rendered non-friable.
- Non-friable pipe fitting insulation (mud elbows) located in attic areas and on the domestic hot water lines. These materials have the potential to be easily damaged during normal routine maintenance work on or near the material. Any damage to this material would render it extremely friable. Therefore it is recommended that all non-friable pipe fitting insulation, solid pipe covering, and boiler tank insulation be placed on the school's Operations and Maintenance plan until removed.
- Non-friable floor tile and its mastic- material located throughout the school in all school buildings, at some locations covered with floor carpeting. Periodic surveillance at six month intervals is recommended.
- Non-friable interior cement asbestos panels (transite) found under/over doors and windows around the office. Periodic surveillance at six month intervals is recommended to ensure the material's integrity and continued good condition.
- It is recommended that any time renovation, demolition, or repair projects will disturb any of the following materials, that they be tested for asbestos content by a certified laboratory prior to disturbance:
  - Roofing Material
  - Roofing Mastics
  - Vinyl Baseboard Mastics (glue)
  - Acoustical Ceiling and Wall Tile Mastic (glue)
  - Caulk/Marker/Tack Board Mastic (glue)
  - Drywall Tapping Mud (joint compound)
  - Window putty

BW_033

Building Interiors:

- Floors:
  - In Building Areas A, B, C, D and T floor finish is carpet with rubber base. Carpet is in extreme poor condition through out the campus and taped (I) together to prevent trip hazard. Floor finish in classrooms in Building Area E is VCT. Missing and damaged tiles were observed.
  - Restrooms have terrazzo floor in need of repair and cleaning.
  - Mechanical Rooms, Janitor and Storage room have concrete floors.
- Walls:
  - Typically gyp board, tackboard or painted brick
  - Restrooms- gypsum board walls with terrazzo wainscot.
- Ceilings:
  - Typically in classrooms and offices ceiling is t-bar with acoustical tile.
  - Restrooms and snack bar- painted gyp board.

Mechanical:

The school has very old multi-zone units with heat/cool decks serving the school campus, the motors all are burned out and everything is about 35+ years old. The mechanical yard has the boiler, chiller, associated accessories and piping. Everything but the boiler and the chiller is very old, rusty and with asbestos in insulation and needs to be replaced. The exhaust fans are old and noisy, grills all are old and need to be replaced. Associated ductwork needs to be checked and replaced with new if needed.

Lighting, Signal and Power:

The lighting is T8 Fluor lay-in fixtures w/ occupancy sensors & bi-level switching, good and renovated within 5 years. There's no lighting in electrical yard and thus suggested outdoor lighting flood for maintenance purpose.

There are digital campus wide PBX telephones, Mitel Model# Superset, Cisco based Wireless Data, tele data system is good and has great expansion potential.

Branch panel boards and general receptacles are good and well maintained in this campus.

Plumbing and Fire Alarm System:

Wash sink, sinks, faucets, associated valves, galvanized piping, electrical water heater, urinals, flush valves all are very old and need to be replaced.

Fire alarm devices are good but need smoke/heat detectors and strobes throughout, there are no smoke detectors and/or strobes in the restrooms and hence it is non-code compliant.

Page 4 of 6

BW_034

PRIORITY 1– CODE, HEALTH, SAFETY

- Main Building, evaluated by the Structural Engineer as Category 2 Buildings to be further evaluated per FEMA 310 Tier 1 criteria to life-safety performance.
- Replace the entire mechanical heating and ventilation system.
- Replace plumbing fixtures.
- Add smoke/heat detectors and strobes to provide complete fire alarm system.
- Concrete sidewalks leading form parking lot to buildings are damaged/ cracked- to be repaired or replaced to provide accessible route of travel to every building.
- Hazardous materials inspection by certified firm.
- All six buildings do not comply with ADA with regard to assessable restrooms. There is no assessable restroom on this campus.
    - Provide accessible restroom facilities as required by code
- Some doors are not equipped with ADA compliant door hardware.

PRIORITY 2– ENVELOPE, SITE UTILITIES

- Replace doors and windows.

PRIORITY 3– CLASSROOMS

- Repair / paint walls.
- New telecom/signal/data system.

PRIORITY 4– MISCELLANEOUS

- Parking areas to be resurfaced and re-striped.

Page 5 of 6

BW_035

ESTIMATED COST OF ASSESSED NEEDS

REPLACEMENT COST – **$23,165,600**

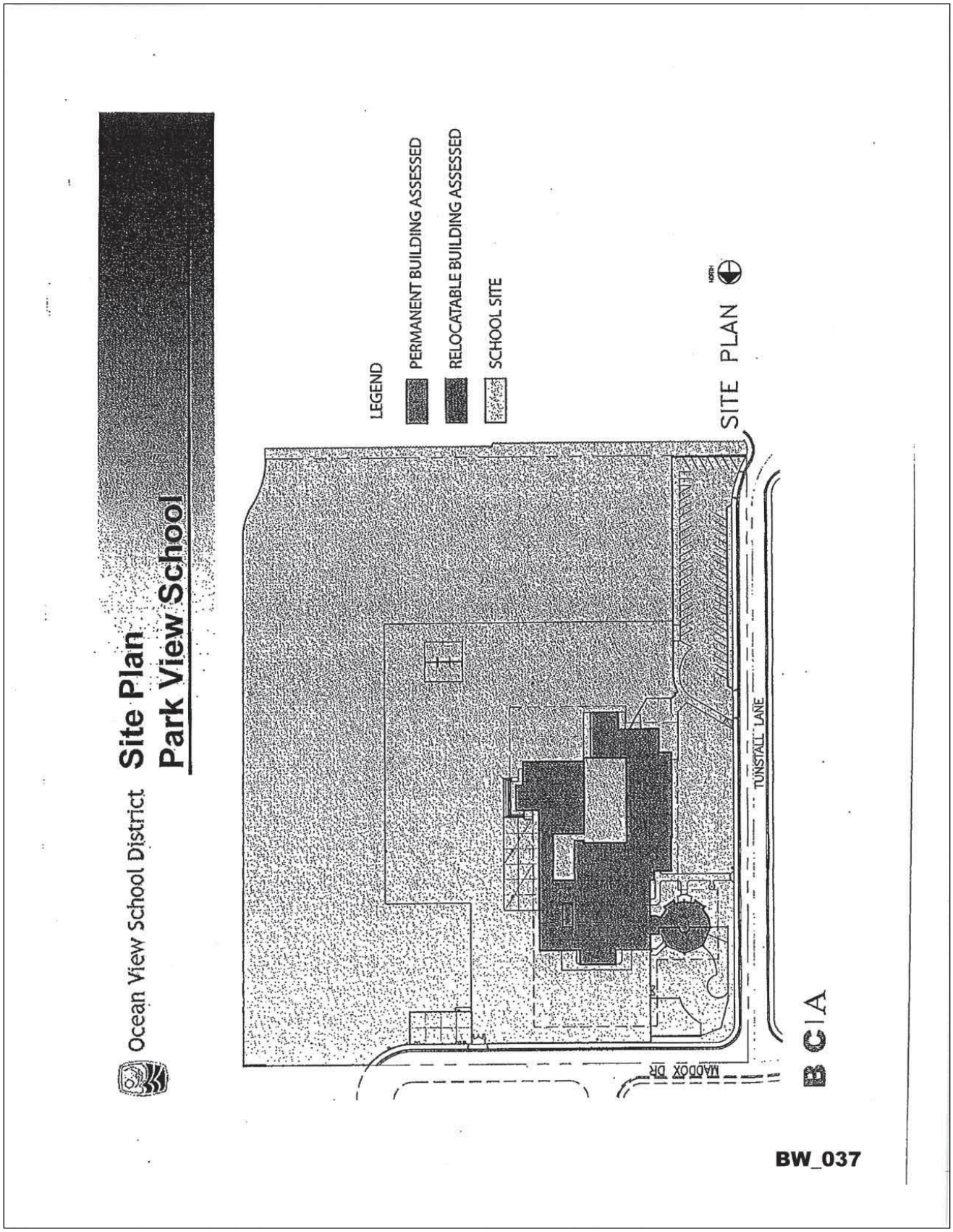
- Replacement cost per SAYLOR Publications, Inc. Edition 2007 is:
  - 01.1105.100 Building demolition, frame building, one story, union total- $3.60.
    - 46,000 sf * $3.60 = $165,600
  - Facility replacement cost:
    - 46,000 sf * $400.00 = $18,400,000
  - Soft Cost (25% of Construction Cost)
    - $18,400,000 *25%= $4,600,000
- Total replacement cost: **$23,165,600**

HAZARDOUS MATERIALS

The estimated cost in year 2001, of a yearly Periodic Surveillance Program at Park View School was $200.

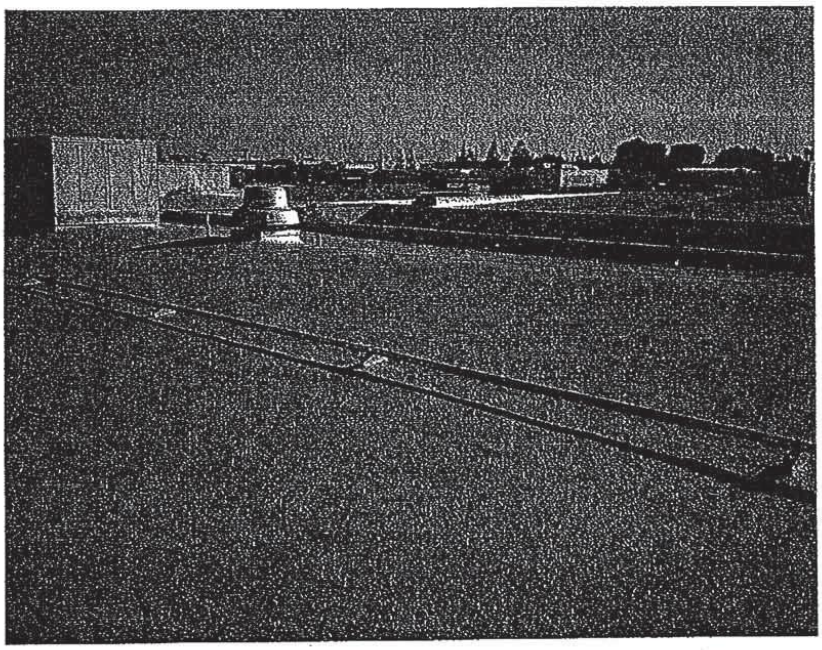
Page 6 of 6

BW_036


Ocean View School District
Site Plan
Park View School
LEGEND
PERMANENT BUILDING ASSESSED
RELOCATABLE BUILDING ASSESSED
SCHOOL SITE
SITE PLAN
NORTH
TUNSTALL LANE
MADDOX DR
BCIA
BW_037

OCEAN VIEW SCHOOL DISTRICT
DISTRICT-WIDE ROOF SURVEY

SCHOOL – 16666 TUNSTALL LANE (PARK VIEW)



- Square Footage – 46,000
- Life Expectancy – 12 years with recommendations
- Replacement Cost (Per Square) – $800
- Overall Condition –
  - Emulsion built-up system with fibrated aluminum surfacing
  - Minor wear at drain points
- Recommendations –
  - Maintenance to keep roof systems in good condition
  - Remedial repairs budget - $0

BW_038

Executive Environmental SERVICES CORPORATION
QUALITY SERVICE WITH INTEGRITY

AHERA 3 YEAR RE-INSPECTION DOCUMENTATION

Ocean View School District

Huntington Beach Adult School
(formerly Park View)
16666 Tunstall Lane
Huntington Beach, CA 92647

August 23, 2001

507 Mission Street, South Pasadena, CA 91030 • Office: (626) 441-7050 • Fax: (626) 441-0016 • exeoenviro@usa.net

BW_039

EXECUTIVE SUMMARY

BW_040

EXECUTIVE SUMMARY

On August 23, 2001, Executive Environmental Services performed a visual re-inspection for asbestos containing building material (ACBM) at Huntington Beach Adult School (formerly Park View), 16666 Tunstall Lane in Huntington Beach, California. The purpose of the re-inspection was to comply with the U.S. Environmental Protection Agency (EPA) CFR 763 - AHERA requirement for a three-year re-inspection.

Prior to the re-inspection, previous inspection reports were reviewed in order to determine which building materials had been previously tested and found to contain asbestos, which materials were determined not to be asbestos containing, and if any materials had not been tested for asbestos.

After the review of the previous building inspections, a complete visual walk-through inspection of the site was performed. The visual inspection determined that conditions at Huntington Beach Adult School are unchanged since the last inspection in 1998.

Remaining Materials Include:

Friable sprayed-on fireproofing located on steel beams above the drop ceilings was found to be in good condition at the time of the inspection. Debris from the fireproofing was found on the tops of the ceiling panels. It is recommended that access to attic areas be restricted and that the tops of the ceiling panels be HEPA vacuumed on a periodic bases. This material should be placed on the schools Operations and Maintenance Plan until removed or rendered non-friable.

Non-friable pipe fitting insulation (mud elbows) located in attic areas, on the domestic hot water lines were in good condition at the time of the inspection. These materials have the potential to be easily damaged during normal routine maintenance work on or near the material. Any damage to this material would render it extremely friable. Therefore it is recommended that all non-friable pipe-fitting insulation be placed on the school's Operations and Maintenance Plan until removed.

Non-friable floor tile and its mastic is located throughout the school in all buildings. All appeared to be in good condition at the time of the re-inspection and pose no health hazard at this time. Periodic surveillance at six-month intervals is recommended for non-friable floor tile to ensure the material's integrity and continued good condition.

Non-friable interior cement asbestos panels (transite) found under/over doors and windows around the office were found to be in good condition at the time of the inspection. Periodic surveillance at six-month intervals is recommended to ensure the material's integrity and continued good condition.

The estimated cost of a yearly Periodic Surveillance Program at the Adult School is $200.00.

Exact material locations can be found in the attached reports, along with additional material information.

BW_041

Materials Not Sampled for Asbestos Content

Due to the destructive nature of bulk sample collection, or a material's inaccessible location, some building materials may not have been sampled or identified as asbestos containing materials building material (ACBM). Materials generally found not to have been sampled for asbestos include the following materials:

Roofing Material
Roofing Mastics
Vinyl Baseboard Mastics (glue)
Acoustical Ceiling and Wall Tile Mastic (glue)
Caulk/Marker/Tack Board Mastic (glue)
Drywall Taping Mud (joint compound)
Window Putty

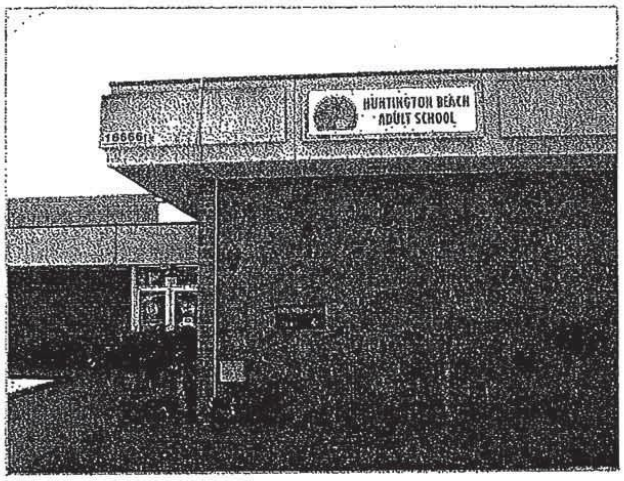
These materials are mostly impacted during renovation and/or repair projects. According to A.H.E.R.A. Guidelines, any material not sampled by laboratory analysis, or identified by a Certified Asbestos Consultant as being asbestos containing, must be presumed to be asbestos containing building material (PACBM).

It is recommended that any time renovation, demolition, or repair projects will disturb any of the materials listed above, that they be tested for asbestos content by a certified laboratory prior to disturbance.

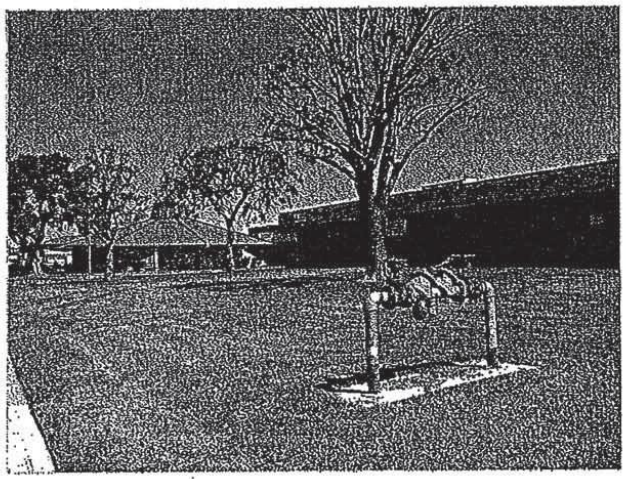
BW_042

Ocean View School District

Park View School



Park View Campus – Front Entrance

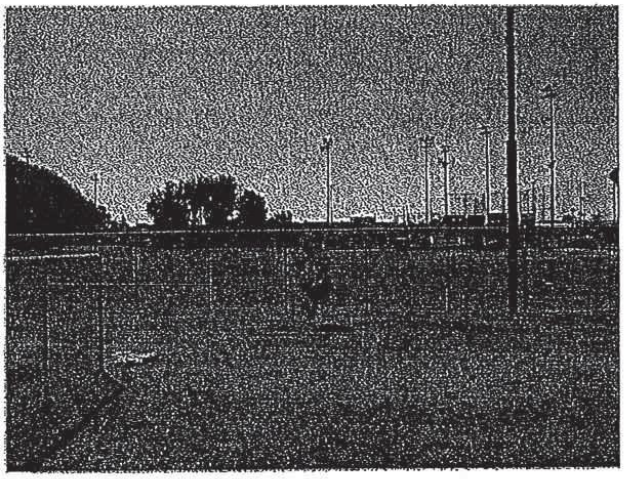


Park View Campus – Front View

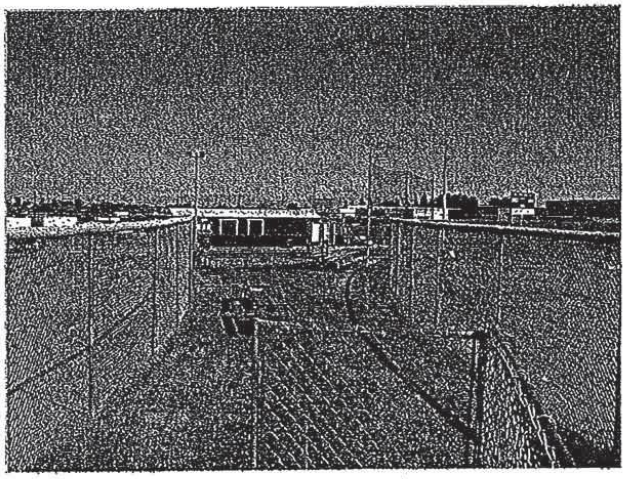
BW_043

Ocean View School District

Park View School



Park View Campus – View of Field #1

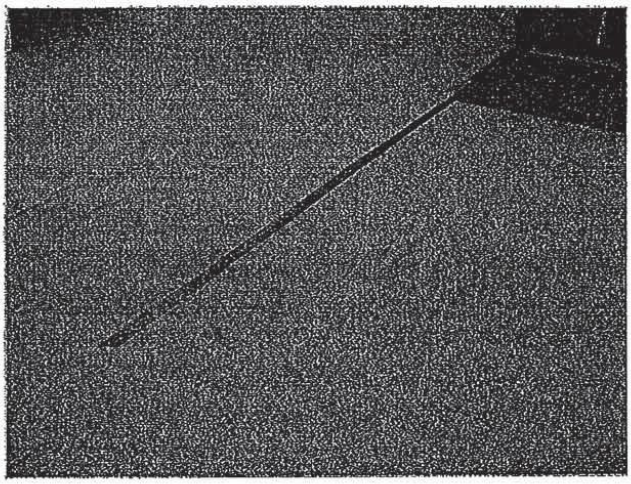


Park View Campus – View of Field #2

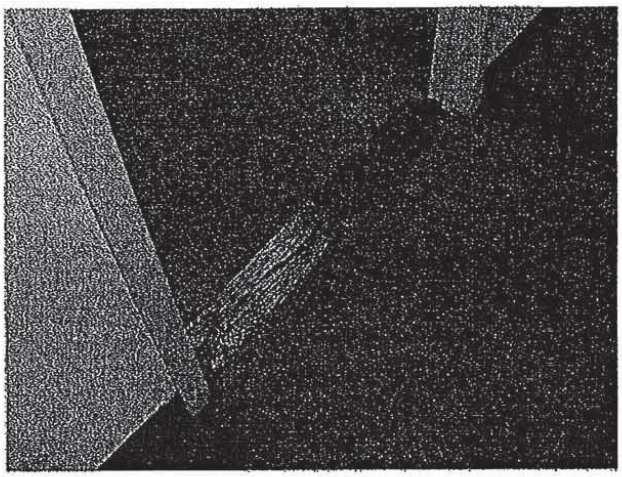
BW_044

Ocean View School District

Park View School



Building A – Typical Carpet Treatment

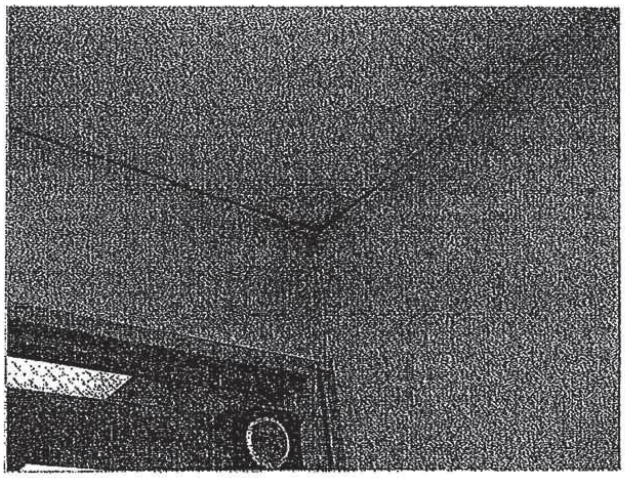


Building A – Typical Carpet Treatment

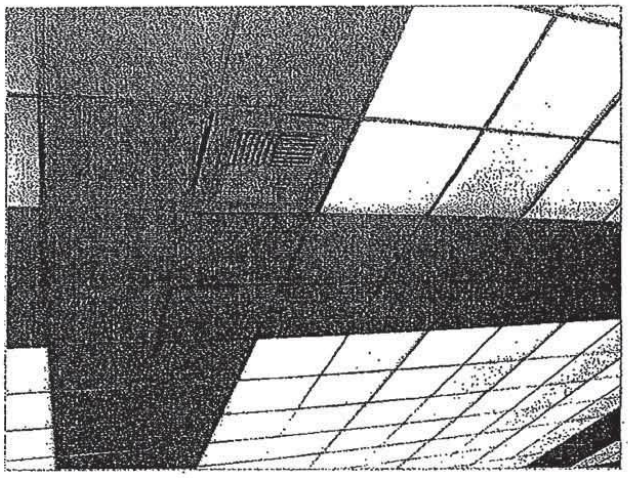
BW_045

Ocean View School District

Park View School



Building A – Typical Water Damage



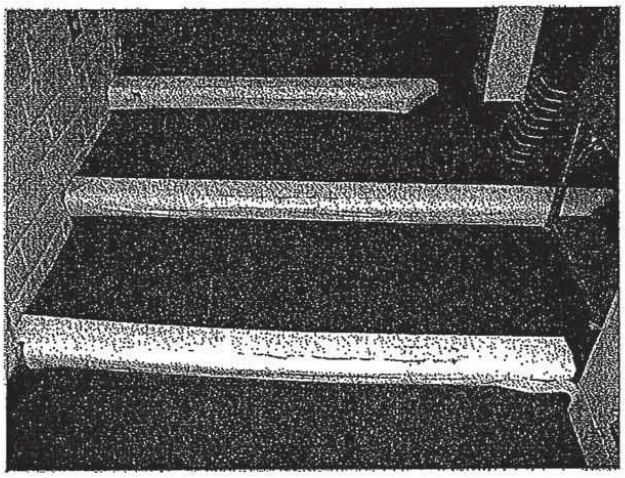
Building A – Water Damage Around Grill

BW_046

Ocean View School District

Park View School

Building D – Computer Room

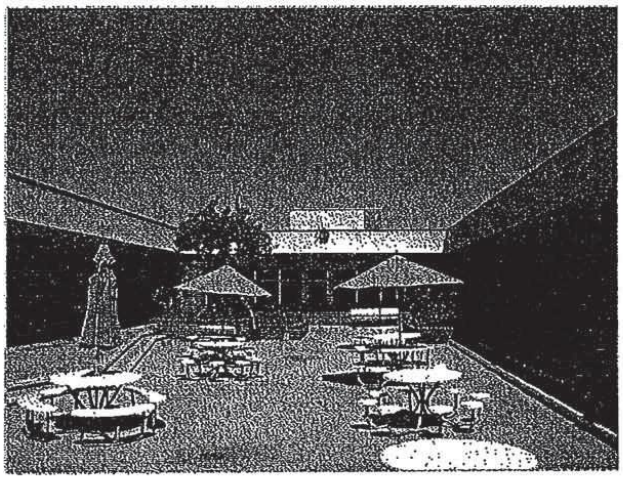


Building D – Steps in Computer Room

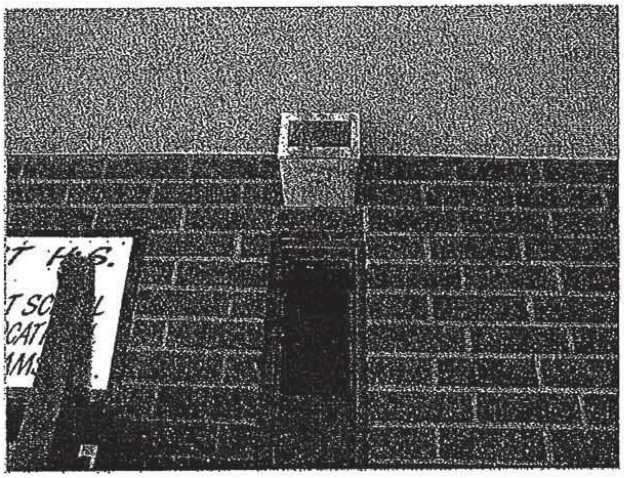
BW_047

Ocean View School District

Park View School



South Quad



South Quad – Vent

BW_048

1. INTRODUCTION

TMAD TAYLOR & GAINES performed a preliminary structural condition assessment of the buildings in the Ocean View School District (OVSD) under the direction of BCA architect. The main objective of the assessment is to determine whether the structural system of these buildings can meet life-safety requirements in earthquakes or will require further evaluation per FEMA 310 Tier 1 life-safety procedure and also to evaluate the general structural conditions of these buildings, as part of proposed upgrading projects for the facilities of OVSD.

The California Department of General Services (DGS) prepared the "Seismic Safety Inventory of California Public Schools" (SSICPS) in 2002 in conformity to Assembly Bill (AB) 300. This document is used as general guidelines in the assessment of buildings in the OVSD. According to the SSICPS document, buildings are assigned "seismic vulnerability" category (Category 1 or Category 2) based on the type of lateral-force-resisting-system (LFRS). See next section for detailed definition of the seismic categories. Wood frame buildings are not included (EXEMPT) in the SSICPS inventory because wood frame buildings are known to perform well in earthquakes.

There are about 24 school and facility sites in the OVSD. Each building is assessed individually to determine whether it is "seismically vulnerable". The general structural conditions of these buildings are also evaluated. Some buildings are almost identical in structural systems and they are grouped together under reporting section.

The buildings in the Park View School site are included in this report.

2. DEFINITION OF SEISMIC VULNERABILITY CATEGORY

The SSICPS classifies "seismically vulnerable" buildings as "Category 2" and less vulnerable buildings as "Category 1". Seismic vulnerability is established primarily according to each building "type" as defined by its "lateral-force-resisting-system" and the performance of that particular system in prior earthquakes.

Category 1 (Seismic Less Vulnerable) buildings are those building types that are likely to perform well, based on their performance in prior earthquakes, and are expected to achieve life-safety performance in future earthquakes. As a general guideline, single story wood frame buildings, buildings designed and constructed 1978 and later per UBC 1976, are seismic less vulnerable and can be expected to achieve life-safety performance in future earthquakes.

Category 2 (Seismic Vulnerable) buildings are those building types that are not expected to perform as well as Category 1 building types in earthquakes and that require more detailed seismic evaluation to determine if they can be expected to achieve life-safety performance when subjected to design earthquake ground motions equivalent to those specified for the current building design code.

BW_049

A building's lateral-force-resisting-system (LFRS) refers to the parts of the building that resist lateral load. Seismic and wind loads are considered as lateral loads. Lateral loads are resisted both by horizontal members which are the building's floor or roof "diaphragms" and vertical members (e.g. walls or beam-column frames).

In the LFRS description, horizontal members (floor and roof diaphragms) are described in terms of flexibility. Concrete floors and roofs are generally considered non-flexible and are classified as "rigid diaphragms". Non-concrete systems such as timber or metal deck floors and roofs are classified as "flexible diaphragms". Vertical members are described in terms of material and method of construction e.g. "precast concrete walls" or "cast-in-place concrete walls".

For example, a school building that has a concrete roof and precast concrete walls would be described as having an LFRS of "precast concrete walls with a rigid diaphragm" and would correspond to Building Type "PC1". A school building with masonry walls and a timber roof would be described as having an LFRS of "reinforced masonry walls with a flexible diaphragm" and it will be classified as Building Type "RM1". See SSICPS for a complete list of building types and detailed descriptions of each building type.

For buildings designed to UBC 1976, (construction dated 1978 and later), they are generally considered meeting the life-safety requirements due to the changes in building code. Wood frame buildings are not included in the SSICPS because they are known to perform well in earthquakes. Wood frame buildings have performed well during past earthquakes and are expected to achieve life-safety performance in future earthquakes. Wood frame building should be evaluated using the FEMA 310 criteria to determine whether it meet life-safety requirements, which is not within the scope of work at this preliminary screening stage. However, we performed FEMA 310 Tier 1 evaluation on one wood frame building (Meadow View School Building B), and this particular building meets the life-safety requirements. For wood frame buildings similar to the Meadow View Building B, we tentatively assigned an EXEMPT classification which corresponding to meeting the life-safety requirements (equivalent to Category 1). However, some wood frame buildings appear to be having insufficient shear walls and are assigned a Category 2 classification. All buildings having a Category 2 classification should be further evaluated using FEMA 310 Tier 1 life-safety criteria.

3. METHODOLOGY

The following steps are taken to assess the seismic vulnerability of each school building:

1. Site visits to assess general structural condition of school buildings.
2. Review of available original construction drawings to determine the building LFRS and construction date.
3. Examination of available construction documents to determine any structural upgrades.
4. Classification of buildings as Category 1 or Category 2 based on LFRS and construction date per SSICPS criteria.

BW_050

5. Reporting of assessment findings.

4. PARK VIEW SCHOOL

- Main Building - Year of construction circa 1968

No. of stories:	1
Lateral force resisting elements:	Vertical – Reinforced brick walls Horizontal – Metal deck over steel beams
Foundation:	Continuous concrete footing and pad footing
Building Type:	RM1
Category:	2

The building has reinforced brick walls and metal deck roofs to resist lateral loads. The metal deck roofs are considered flexible diaphragms, making this a type RM1 building. Buildings of this type are normally classified as Category 2 per the SSICPS and will require further evaluation per FEMA 310 Tier 1 life-safety requirements.

- Portable Classroom Building - Year of construction not clear, Portable structure (Medical Assisting Classroom on the school's site plan)

No. of stories:	1
Lateral force resisting elements:	Vertical – Wood framed walls Horizontal – Wood roof over timber joists
Foundation:	Continuous mud sill plate
Building Type:	Wood Frame W1
Category:	1

This building has wood stud walls and a wood roof on wood joist framing to resist lateral loads. The wood roof is classified as a flexible diaphragm. Buildings of this type are not included in the SSICPS. Wood frame buildings have performed well during past earthquakes and are expected to achieve life-safety performance in future earthquakes. Portable classroom structures are of recent additions to the school sites and the lateral load resistant system is most likely meeting the life-safety requirements.

BW_051

All the buildings in the school site are in fair structural condition. Minor deteriorations were observed, such as cracks in the reinforced brick walls, exposed Gulam beam need maintenance from weather conditions, corrosion in roof gutter in Kindergarten area, cracks in concrete pavement (See photos in Appendix A for more details), however they do not affect the structural performance of the buildings.

5. SAMMARY OF ASSESSMENT FINDINGS AND RECOMMENDATIONS

A total of 2 buildings at the school site are evaluated using SSICPS criteria in the current Phase I structural condition assessment of the Ocean View School District buildings. Reference to FEMA 310 Tier 1 criteria is also made in the assessment of some of the wood frame buildings where applicable. Detailed evaluation results are given in the previous sections and a summary of key findings is provided in the Table 1 below for easy comprehension.

Among the 2 buildings evaluated; 1 portable building is classified as Category I building and 1 reinforced brick building is classified as Category 2 building.

Category 2 buildings should be further evaluated using FEMA 310 Tier 1 evaluation procedure to determine whether the structural systems will meet life-safety requirements. The category I and EXEMPT buildings are considered satisfying the life-safety requirements and no further evaluation are needed.

The proposed upgrading projects may include cutting exterior or interior structural elements of a building for new openings. If the proposed changes in structural elements that reduce the lateral load capacity by more than 5%; or changes in live or dead load that increase the story shear by more than 5%; or total construction cost (not including cost of furnishings, fixtures and equipment, or normal maintenance) for the building exceeds 25% of the construction cost for the replacement of the existing building, all modifications and repairs to existing structures shall be designed and constructed to resist the effects of seismic ground motions as provided in the current building code (CBC Chapter 16A, Section 1640A). We do not know the extent of the structural changes at this stage and we suggest that any proposed structural changes be within the limits as specified in CBC Section 1640A and this generally means less expensive upgrading solutions. The weights of proposed new mechanical and electrical equipments shall not be much heavier than the existing equipments, especially for the equipments supported on roof.

The structural conditions of all the buildings are generally good. See attached photos in Appendix A for general conditions of these buildings. Some non-structural defects are noticed and they have been mentioned in the detailed reporting sections. We suggest having these non-structural defects repaired during the proposed upgrading.

BW_052

Table 1 – Summary of Building Structural Condition Assessment Results

PARK VIEW SCHOOL				
Bldg ID	**Bldg Name Year DSA A#**	**Seismic Vulnerability Category**	**Building Lateral Force Resistant System, Building Type**	**Remarks**
Main Bldg A	Classroom /Office 1968 A#31199	Category 2	Reinforced brick bearing wall with flexible metal roof diaphragm, Building Type RM1	Category 2; need FEMA 310 Tier 1 evaluation.
Portable Bldg B	Medical Classroom, Unknown Unknown	Category 1	Wood shear wall with flexible wood roof diaphragm, Building Type W1	Portable structure
EXEMPT (Category 1 equivalent) Bldgs			0	
No. of Category 1 Portable Bldgs			1	
No. of Category 2 Bldgs			1	
Total No. of Bldgs			2	

Notes;

Exempt and Category 1 buildings - The building is in good structural condition and is expected to achieve life-safety performance level in earthquakes. No further actions needed.

Category 2 buildings - The general structural condition of the building is good, except it may not achieve life-safety performance level in earthquakes. Recommend further seismic evaluation per FEMA 310 Tier 1 criteria to life-safety performance level.

BW_053

Appendix A - Photos of Assessed Buildings

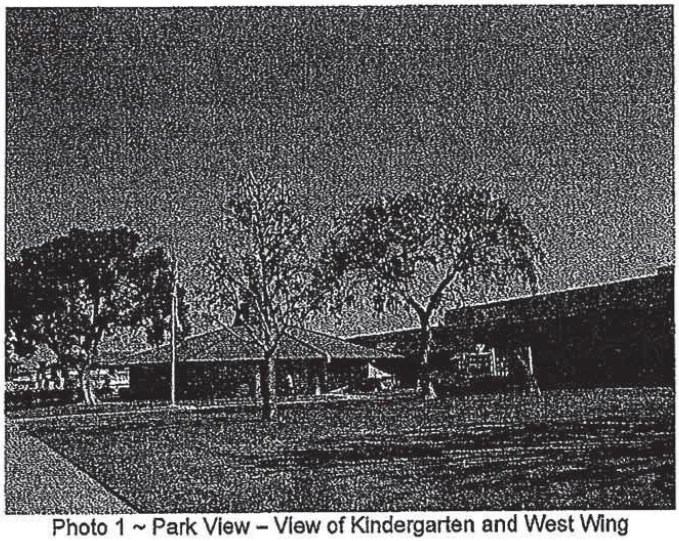


Photo 1 ~ Park View – View of Kindergarten and West Wing

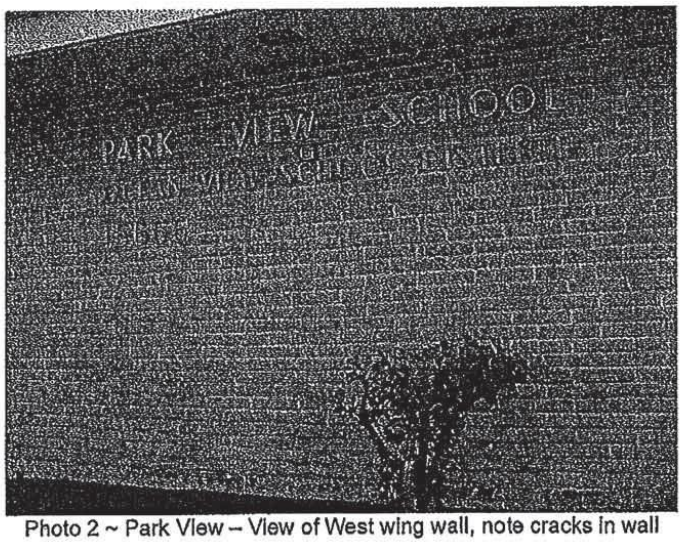


Photo 2 ~ Park View – View of West wing wall, note cracks in wall

BW_054

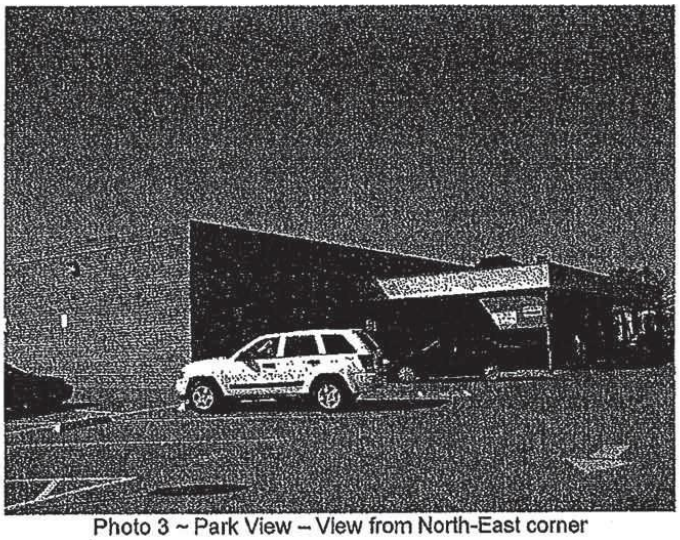


Photo 3 ~ Park View – View from North-East corner

Photo 4 ~ Park View – View from South-East corner

BW_055

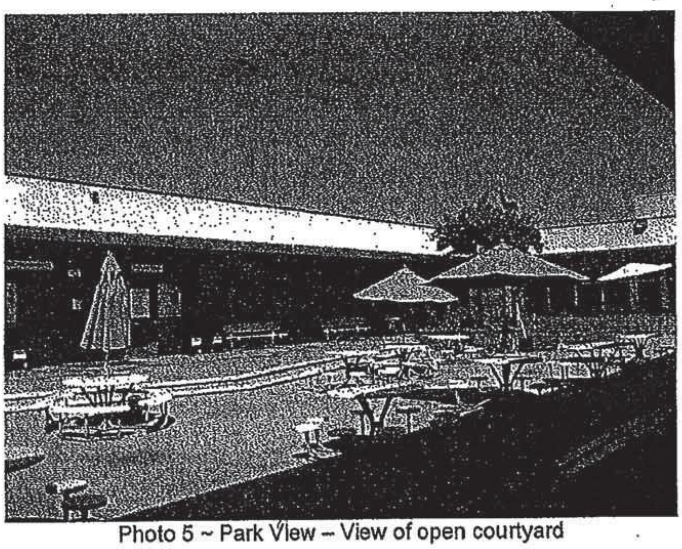


Photo 5 ~ Park View – View of open courtyard

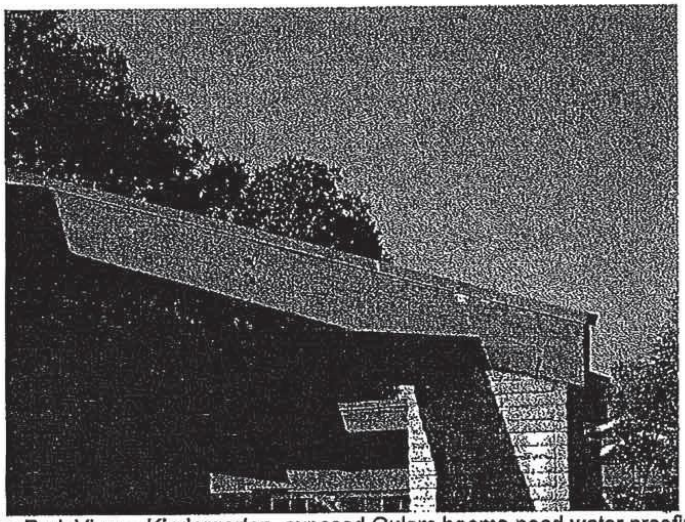


Photo 6 ~ Park View – Kindergarten, exposed Gulam beams need water proofing paint

BW_056

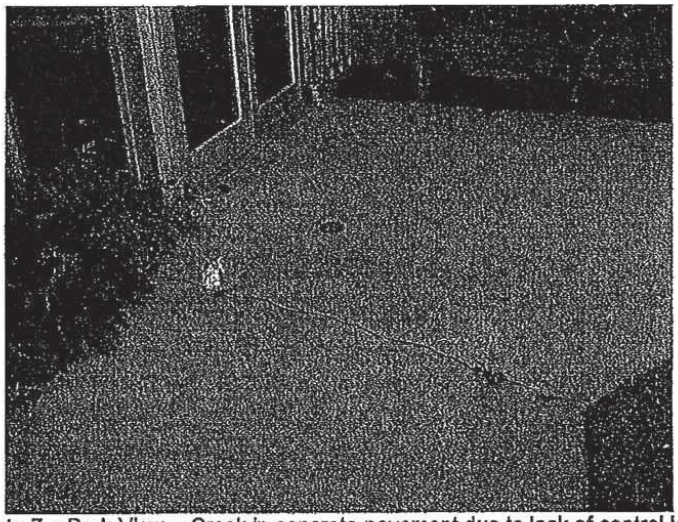


Photo 7 ~ Park View – Crack in concrete pavement due to lack of control joint

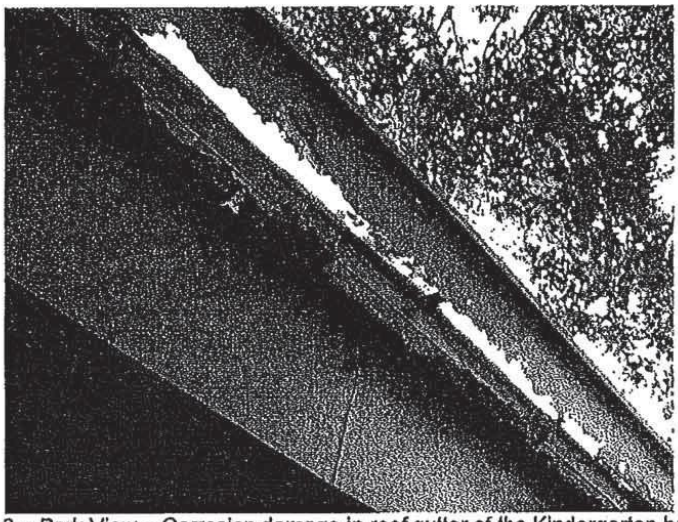


Photo 8 ~ Park View – Corrosion damage in roof gutter of the Kindergarten building

BW_057

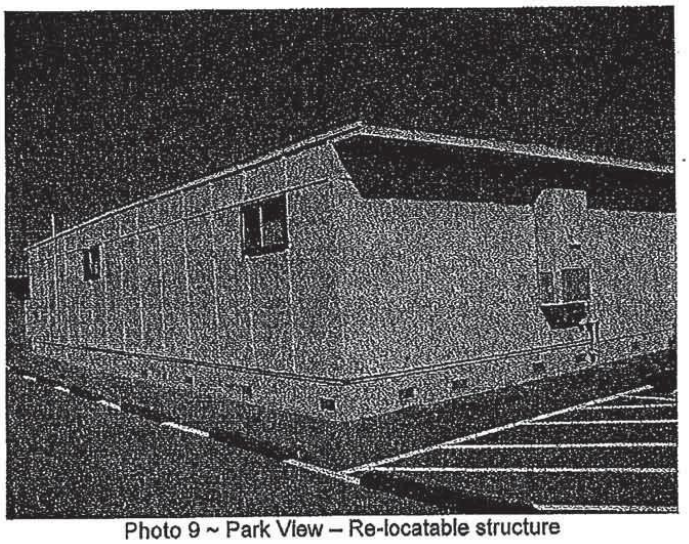


Photo 9 ~ Park View – Re-locatable structure

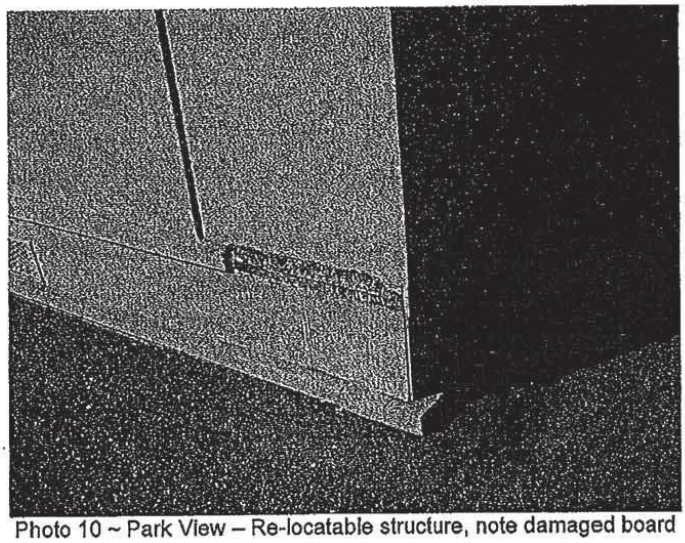
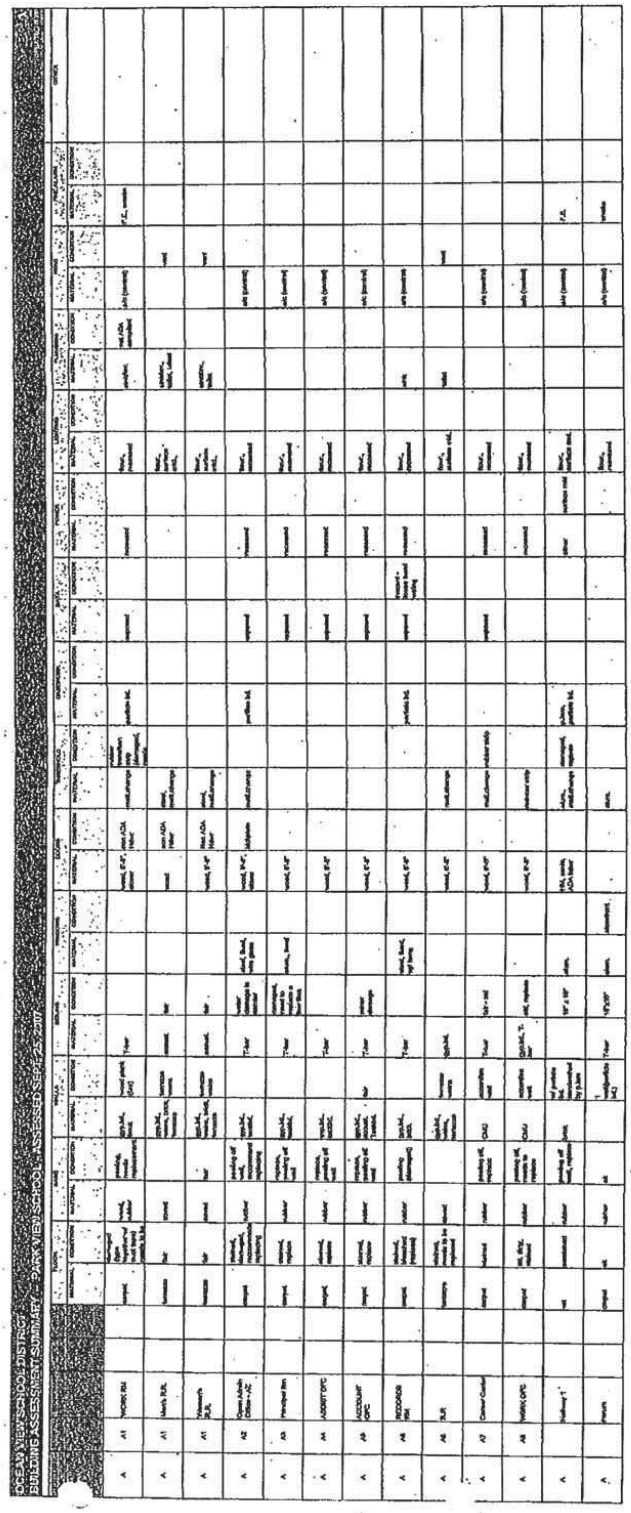


Photo 10 ~ Park View – Re-locatable structure, note damaged board

BW_058



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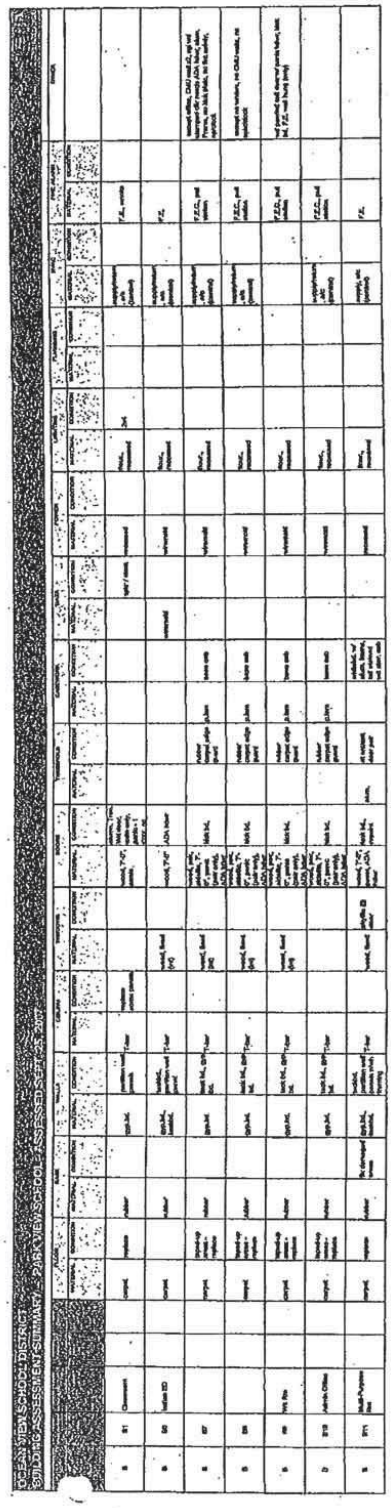

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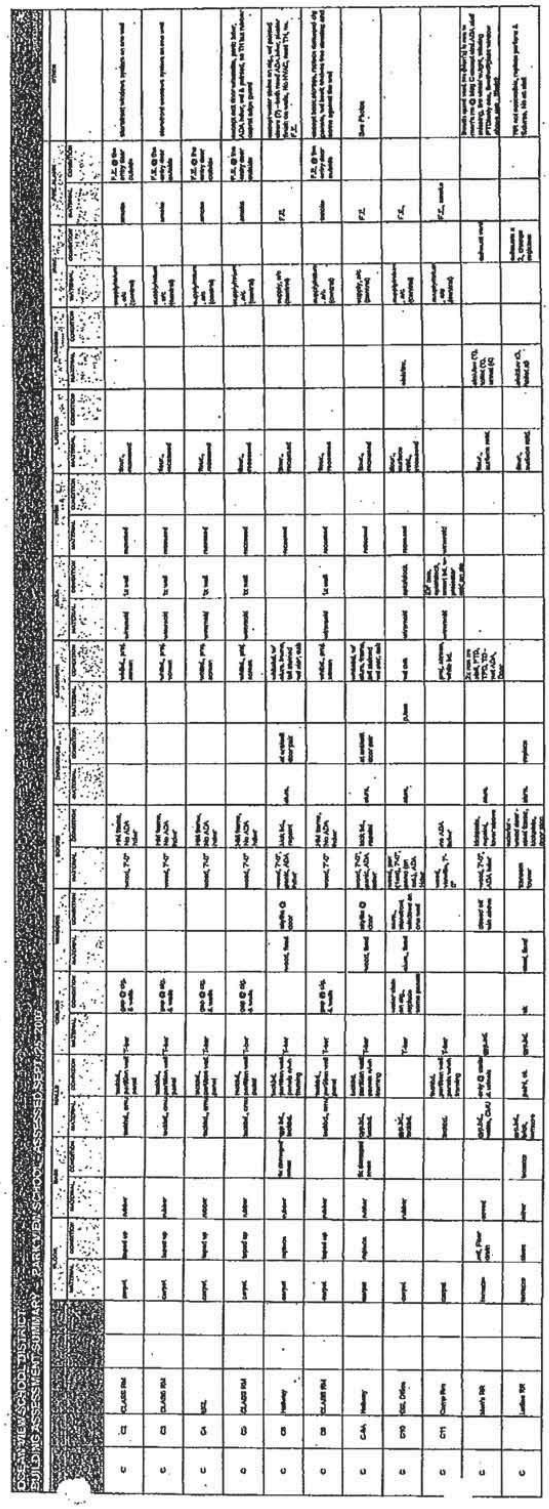
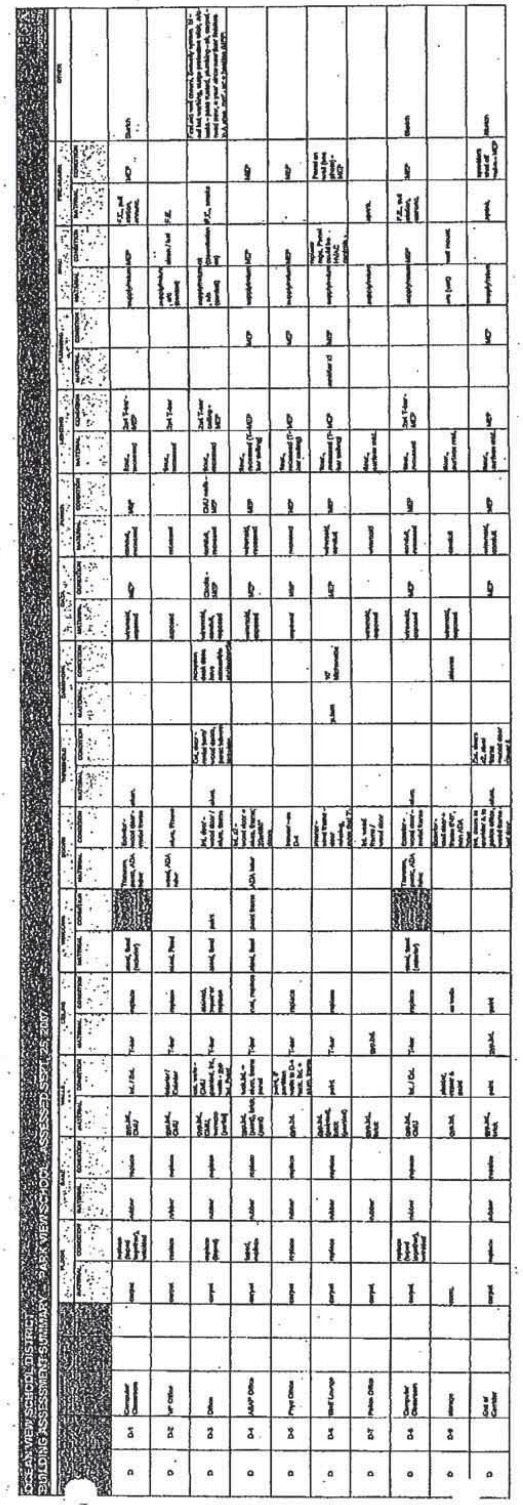
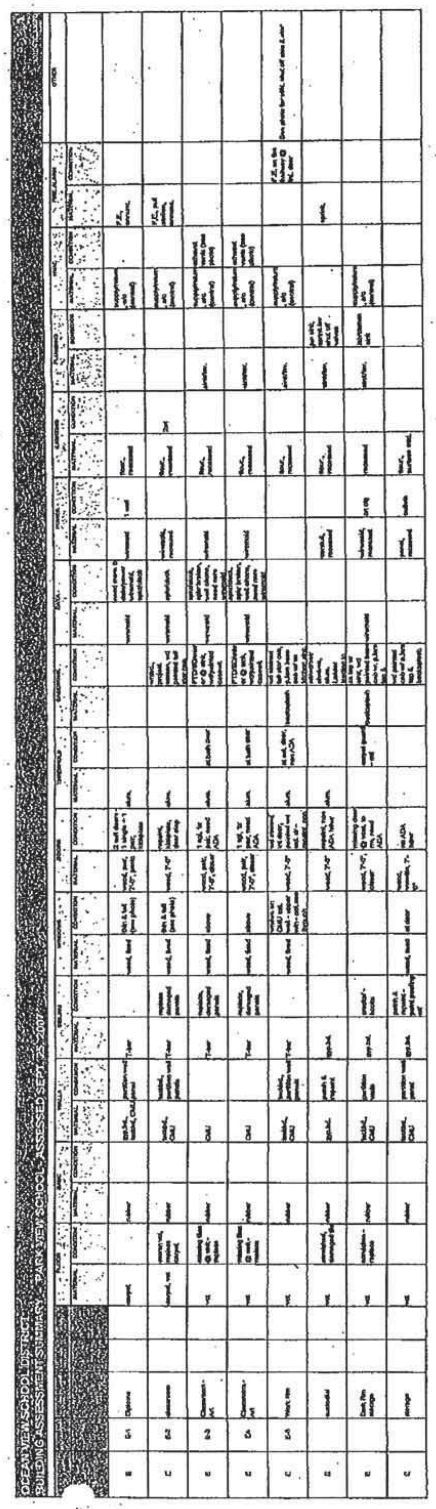


BW_061



BW_062



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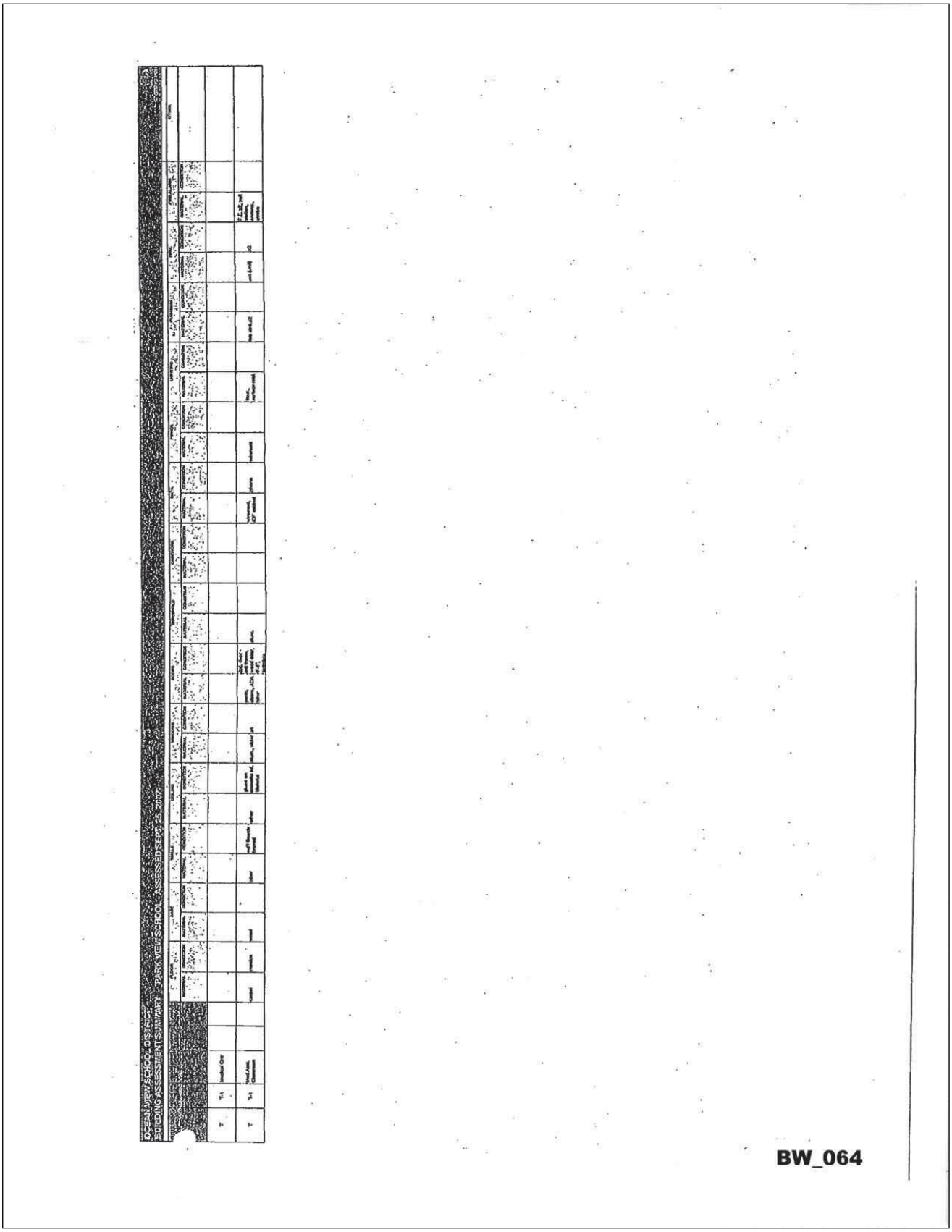
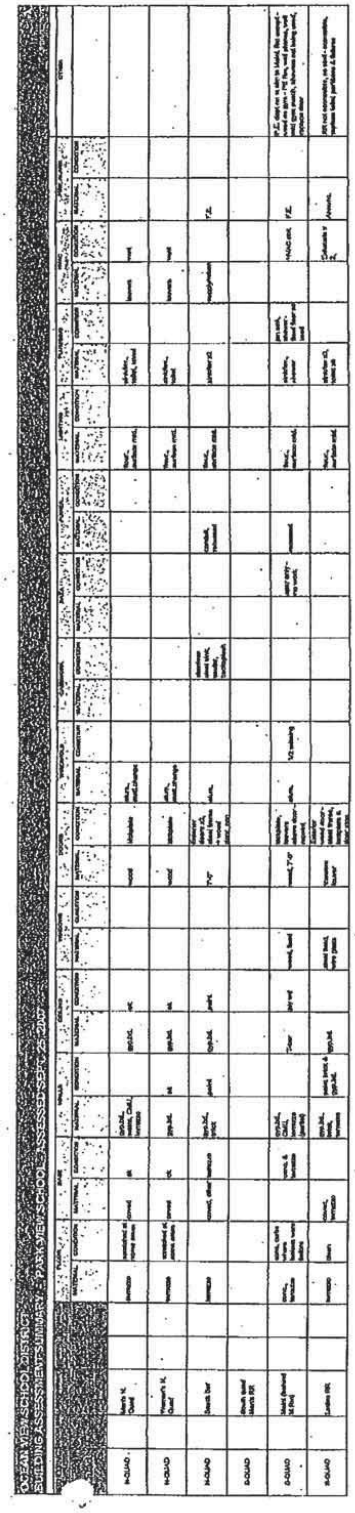


BW_064



BW_065

OCENVIEW SCHOOL DISTRICT
BUILDING ASSESSMENT SUMMARY – PARK VIEW SCHOOL – ASSESSED SEPTEMBER 24th, 2007

BUILDING			HVAC			LIGHTING			SIGNAL			POWER			PLUMBING			FIRE ALARM		
			MATERIAL	PRIORITY	CONDITION	MATERIAL	PRIORITY	CONDITION	MATERIAL	PRIORITY	CONDITION	MATERIAL	PRIORITY	CONDITION	MATERIAL	PRIORITY	CONDITION	MATERIAL	PRIORITY	CONDITION
A-1 thru A-8		Admin, Offices	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Digital campus wide PBX telephones. Mitel Model# Supernet, Cisco based Wireless Data	-	Good / Tele-Data system has great expansion potential	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	SINK		SINK, FAUCET, ASSOCIATED VALVES, & GALV. PIPING TO BE REPLACED.	Simplex 4005 Main FACP non automatic	med	Good /needs smoke detectors and stobes throughout
B-1 thru B-11		Parent Education classrooms	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Tele-Data	-	Good	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	SINK		SINK, FAUCET, ASSOCIATED VALVES, & GALV. PIPING TO BE REPLACED.	Fire alarm devices	med	Good /needs smoke detectors and stobes throughout
C-1 thru C-11		E.S.L. classrooms	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Tele-Data	-	Good	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	SINK		SINK, FAUCET, ASSOCIATED VALVES, & GALV. PIPING TO BE REPLACED.	Fire alarm devices	med	Good /needs smoke detectors and stobes throughout
D-1 thru D-9		Computer Training/ Vocational/Police and Staff Offices	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Tele-Data	-	Good	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	SINK		SINK, FAUCET, ASSOCIATED VALVES, & GALV. PIPING TO BE REPLACED.	Fire alarm devices	-	Good /needs smoke detectors and stobes throughout
E-1 thru E-5		Learning Center/Library	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Tele-Data	-	Good	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	WASHSINK, SINK, & ELECTRIC WATER HEATER		WASHSINK, SINK, FAUCET, ASSOCIATED VALVES, GALV. PIPING, & ELEC. WATER HEATER TO BE REPLACED.	Fire alarm devices	-	Good /needs smoke detectors and stobes throughout
T-1		Medical Assistance Classroom	Air/heat, T'stats, S/R grilles	1	Air and heat from Roof mount old MZ units, T'State are ADA compliant, S/R grilles are old	T8 Fluor. Lay-in fixtures w/ occ sensors& bi-level switching	-	Good / renovated within 5yrs	Tele-Data	-	Good	Branch Panelboards/ General recepts.	-	Good / Panels are well maintained with room for growth	SINKS		FAUCET, SINK BOWL, GALV. PIPING, & VALVES TO BE REPLACED.	Fire alarm devices	-	Good /needs smoke detectors and stobes throughout
General		Restrooms	Exhaust	4	Exhaust is provided but the grilles and fan are old, fans are noisy	T8 Fluor.Surface fixtures	-	Good / renovated within 5yrs	-			General Recepts	-	Good	WC, URINAL, WASH SINK, HOSE BIB (MEN & WOMEN)		WATER CLOSETS & ASSO. VALVES, URINALS & FLUSH VALVES, WASHSINK & FAUCETS, HOSE BIB & GALV. PIPING TO BE REPLACED.	Fire alarm devices	-	No Smoke detectors or strobes. Non-code compliant.
General		Electrical Yard	Boiler, Chiller, CHP, HWP, FWP, AS, ET, Pipes Panels	1	Boiler, chiller are OK, pipes are bad, asbestos, CHP, HP, ET all are very old, replace all but boiler and chiller	No lighting		suggest outdoor flood for maintenance purposes	-			Main Electrical Switchboard and Equipment	med	Equipment is in serviceable condition. Rusted weatherproof enclosures should be renovated.				-		
General		Roof	AC units and EF fans	1	very old MZ units wheel-cool and EFs, Inconsistent heat/cool, dampers/motors are burnt out, replace all units															

BW_066

10.2.5 Public Testimony (DEIR Meeting)

Barbara DelGleize (BG), Al Brown (AB), and Dan Kalmick (DK), February 2, 2011

BG-AB-DK

Beach and Warner Mixed-Use Project

Draft EIR Public Comments

February 2, 2011

People: 12

Submitted written comments: 0

Public Comments: 3

1. Barbara DelGleize: What type of unit product is envisioned for the site; apartments or condos? Chile's will it be demolished? Also, traveling east bound on Warner approaching Beach Blvd then making a right turn onto Beach Blvd traveling south bound: is it possible for Cal Trans to create a dedicated right-turn lane on Warner to make traffic flow better? BG-1 BG-2
2. Al Brown: What is the tentative time frame for construction? Will there be another street for residents to use to exit the development to detour Warner to Beach Blvd.? Will there be any parks developed as a result of this development in the immediate area south of Warner, west of Beach Blvd? AB-1 AB-2 AB-3
3. Dan Kalmick: Vacant lot not considered in overall traffic analysis per footnote in the DEIR. The vacant lot should be brought into the analysis. The document states that a 7% decrease in overall traffic would occur. Given the vacant lot and current vacancy rate of the tower building, it is hard to believe that developing two parking structures and this amount of square footage would result in a net decrease in traffic. Concerning the east bound flow of traffic on Warner to south bound Beach Blvd, was that analyzed for a dedicated right turn lane; is it needed? DK-1

10.3 RESPONSES TO COMMENTS ON THE DEIR

10.3.1 State Departments

Department of Toxic Substances Control (DTSC), February 22, 2011

DTSC-1 This comment contains introductory or general information, and correctly provides a summary of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.

DTSC-2 As indicated beginning on DEIR page 4.6-2, a review of federal and state regulatory agency databases was conducted. In addition, as stated on DEIR page 4.6-7, prior to issuance of a grading permit for the proposed project, a preliminary environmental site assessment (ESA) would be prepared for the proposed project as required by mitigation measure BECSP MM4.6-1 to determine if the proposed project site has a record of hazardous material contamination and is included on a list of hazardous materials sites. Databases of regulatory agencies referenced in this comment would be reviewed as part of the ESA.

DTSC-3 This comment request that the mechanism to initiate site investigation be identified. On DEIR pages 4.6-8 and 4.6-9, mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, as well as the government agency to provide appropriate regulatory oversight. As required by mitigation measure BECSP MM4.6-1, an ESA would be prepared prior to issuance of a grading permit for the proposed project. In the event that contamination is found, the ESA would identify the nature and extent of contamination, and determine the need for further investigation and/or remediation of the soils conditions on the project site. At the time of preparation of an ESA, the agency responsible for regulatory oversight would be identified. Mitigation measure BECSP MM4.6-2 requires that, in the event previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during both construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards.

DTSC-4 In general, this comment suggest that all environmental work shall be conducted under a work plan approved by the City, and states that results of any testing done on a site should be summarized in this work plan. Implementation of mitigation measure BECSP MM4.6-1 addresses all aspects of this comment. For example, no

grading permit for the proposed project would be issued prior to the approval of an ESA by the City. Further, all closure documents shall be reviewed and approved by the Huntington Beach Fire Department (HBFD). As such, the requests of this comment were considered in the DEIR and no changes are required.

DTSC-5 As discussed on DEIR page 4.6-2, structures located on the project site were constructed during the 1980s. Due to the age of the existing buildings, it is less likely that buildings were built using asbestos containing materials or lead-based paint. However, the potential exists that asbestos containing materials (ACMs), lead based paint (LBP), or other hazardous chemicals may be encountered during investigation of the project site as required by mitigation measure BECSP MM4.6-1. In the event that ACMs, LBP or other hazardous chemicals are encountered during preparation of an ESA, remediation would occur prior to construction of the project, in accordance with Federal and state regulations. Additionally, mitigation measure BECSP MM4.6-2 requires that, in the event unknown contamination is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease and a Risk Management Plan would be prepared and implemented, and appropriate agencies notified. No further response is required.

DTSC-6 Mitigation measure BECSP MM4.6-1 requires that remediation of any contaminated soils be completed in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of a grading permit for the proposed project. In the event that previously unknown contaminated soils are encountered during the construction phase of the project during import or export of soils, mitigation measure BECSP MM4.6-2 would be implemented, as described under Response DTSC-3. Additionally, implementation of mitigation measure BECSP MM4.6-3 would reduce any impacts associated with methane gas by ensuring that appropriate testing and methods of gas detection are implemented at the project site, as required by the HBFD City Specification No. 429, Methane District Building Permit Requirement. As such, any soils imported to or exported from the site would be free of contamination, per the commenter's statement. No further response is required.

DTSC-7 The commenter states that the health of sensitive receptors should be protected during construction and demolition. As discussed in DEIR Section 4.6 (Hazards and Hazardous Materials), construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a potential health hazard. As discussed under Response DTSC-3, contamination identified on the project site would be remediated prior to construction of the project, and in the event that previously unknown contaminated soils are encountered during construction activities, mitigation measure BECSP MM4.6-2 would be implemented, establishing a Risk Management Plan. Compliance with all applicable local, state, and federal laws and regulations would control hazardous waste, transport, disposal, or cleanup to ensure that hazardous

materials do not pose a significant risk to nearby sensitive receptors. As such, a health risk assessment is not anticipated to be required for the proposed project.

Although hazards to human health resulting from exposure to hazardous materials would not occur during project construction, construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations, as described under Impact 4.2-4, beginning on DEIR page 4.2-21. This impact has been determined to be significant and unavoidable.

DTSC-8 The commenter states that all hazardous materials generated on the project site must be compliant with state law. The proposed project includes residential and commercial retail uses and would generally not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. Additionally, as discussed beginning on DEIR page 4.6-4, "Hazardous materials associated with the occupancy of the residential component of the proposed project would include typical household cleaning products as well as typical maintenance supplies. Hazardous materials associated with operation of the proposed retail uses could include typical maintenance products as well as maintenance products for upkeep of the grounds and landscape formulated with hazardous substances, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides." All of these would be used in limited quantities. As further discussed on DEIR page 4.6-5, "Should the use and/or storage of hazardous materials during construction or operation of the project site rise to a level subject to regulation, those uses would be required to comply with all applicable federal and state laws to eliminate or reduce the consequence of hazardous materials accidents." No further response is required.

DTSC-9 Comment noted. The comment states that DTSC can provide guidance for cleanup oversight through future agreement. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

California Department of Transportation (DOT), February 17, 2011

DOT-1 This comment contains introductory or general information, and correctly summarizes characteristics of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.

DOT-2 Comment noted. Caltrans identifies their facilities in the City and requests to participate in the process of establishing and implementing a "fair share" mitigation program for project impacts at these identified facilities. The City is in the process of preparing the fair share contribution program.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to

appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

DOT-3 The commenter requests that the Highway Capacity Manual (HCM) should be utilized to identify any impacts to State Transportation Facilities. This methodology was used as documented in the BECSP Program EIR, from which the subject proposed project DEIR is tiered.

Impacts to traffic and State Transportation Facilities are discussed in DEIR Section 4.13-3 (Project Impacts and Mitigation). Mitigation measures BECSP MM4.13-1, BECSP MM4.13-2, BECSP MM4.13-10, BECSP MM4.13-11, BECSP MM4.13-12, BECSP MM4.13-13, BECSP MM4.13-14, BECSP MM4.13-17, and BECSP MM4.13-18 address impacts to State Transportation Facilities in the area (primarily addressing SR-39 [Beach Boulevard]) and require the applicant to make a fair share contribution toward the identified improvements that would reducing project-related impacts to a less than significant level. However, the proposed project would contribute to a cumulative impact on a currently deficient Caltrans system, resulting in a significant and unavoidable cumulative impact, as discussed on DEIR page 4.13-19.

The Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project dated December 8, 2010, is included as DEIR Appendix D. Refer also to the revised Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project dated August 25, 2011, which has replaced DEIR Appendix D and is included at the end of this Volume III. The revised traffic study includes an Existing Plus Project traffic impact analysis, which has been incorporated into DEIR Section 4.13 (Transportation/Traffic). Refer also to the Beach Boulevard and Edinger Avenue Corridors Specific Plan Traffic Study dated August 2009.

DOT-4 The proposed project site is located at the intersection of Beach Boulevard (SR-39) and Warner Avenue which is a Caltrans facility. As such, the proposed project would occur in the vicinity of Caltrans right-of-way (ROW) and could require an encroachment permit from Caltrans prior to commencement of work. As appropriate, all work performed would be subject to Caltrans Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

DOT-5 The commenter states that no additional surface runoff is allowed to drain into a Caltrans ROW and then requests that the Hydrology and Hydraulic Study prepared for the proposed project be submitted to Caltrans for review and comment. Mitigation measure BECSP MM4.7-3 requires the preparation of a site-specific

hydrology and hydraulic study to identify the effects of potential stormwater run-off from the proposed project and requires the project applicant to design site drainage so as not to increase peak storm event flows, ensuring that no additional runoff enters the Caltrans ROW. Since the preparation of the DEIR, a site-specific preliminary hydrology study has been prepared for the project site. The findings of this preliminary study have been incorporated into the DEIR on page 4.7-5 as follows:

> … as required by mitigation measure BECSP MM4.7-~~4 requires the preparation of a~~3, a preliminary hydrology and hydraulic analysis ~~in order~~was prepared for the project site to identify the effects of potential stormwater runoff from the project site on the existing storm drain flows for the 10-, 25-, and 100-year design storm events, and determined that inclusion of the recommended drainage system in project design would ensure that the peak flow rate would be reduced compared to existing conditions.

As requested, the final hydrology study prepared for the project site will be submitted to Caltrans for review and approval. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

10.3.2 Organizations

Huntington Beach Environmental Board (HBEB), February 20, 2011

HBEB-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. No further response is required.

HBEB-2 Comment noted. The commenter generally emphasizes the profitability of sustainable development. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

HBEB-3 Comment noted. The commenter suggests that Building Information Modeling be used early in the design stage of the proposed project to enhance mobility plans and their execution in a community. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

HBEB-4 Comment noted. The commenter suggests that photographic simulations or artistic renderings be utilized to determine the aesthetic impact of the proposed project. As described in DEIR Section 4.1.3 (Project Impacts and Mitigation), aesthetic impacts of the proposed project were determined to be less-than-significant based on the proposed design, incorporation of mitigation measures, and the incorporation of

BECSP development standards and design guidelines. However, at this time, project design has not progressed to a level such that photo renderings or simulations would be appropriately accurate or useful for analytical purposes. During the project-approval process (as compared to the EIR certification process), it may be prudent to have photo renderings or simulations prepared. As such, this comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

HBEB-5 This comment poses the question as to whether the BECSP contained specific conditions regarding energy efficiency. The proposed project would be subject to BECSP Section 2.8.2-3 (Sustainability Requirements), which requires that all proposed new structures and/or site improvements incorporate sustainable building practices. In addition to these requirements, application of "Green Building" techniques such as those found in, but not limited to, the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, the National Association of Homebuilders Model Green Home Building Guidelines and future "green building" ordinances and guidelines may be used. To ensure that the proposed project complies with the BECSP, the proposed project would be subject to site plan review. As such, mitigation measures addressing energy efficiency would not be necessary to ensure that sustainable building practices are incorporated into the proposed project and were not included as part of the BECSP EIR or this DEIR. No further response is required.

HBEB-6 Table 4.14-18 (Projected Electricity Demand) on DEIR page 4.14-30 identified the anticipated electricity demand of the proposed project. This table is based on electricity demand rates included in the 1993 *CEQA Air Quality Handbook*, per standard CEQA practice. The commenter states that the U.S. Energy Information Administration (2009 Electric Annual Power Manual) provides a residential demand rate higher than the rate utilized in the DEIR. While estimated demand or consumption rates may vary by agency, impacts relating to electricity demand would remain less than significant because the proposed project would comply with the provisions of Title 24 of the CCR. Furthermore, Southern California Edison (SCE) is currently in the process of upgrading its transmission systems and electricity demand generated by future development (including the proposed project) could be supplied without the need for additional construction or expansion of energy facilities beyond that which was previously planned. SCE operates as a "reactive" organization, meaning that their facilities would be scaled to meet anticipated future demand on their system and the estimated project electricity demand would be met. As such, no changes are proposed and no further response is required.

The Kennedy Commission (KC), February 22, 2011

KC-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. No further response is required.

KC-2 The commenter emphasizes the importance of public input and participation in the development process, including the proposed project. The public has had several opportunities to participate in the planning and decision-making process for the proposed project, as well as the underlying BECSP. Multiple meetings and workshops were held during preparation of the BECSP (which contemplated the proposed project) in 2009. Additionally, a public meeting and two hearings (Planning Commission and City Council) were held specific to the EIR that was prepared and certified for the BECSP. Further, the proposed project DEIR was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period from January 6, 2011, to February 22, 2011. A public information meeting was held on February 2, 2011, to receive comments on the adequacy of the DEIR. Individual responses to all comments received on the DEIR, including this comment letter, have been provided throughout this section.

This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. No further response is required.

KC-3 This comment begins with a discussion of the City's Housing Element, a summary of the proposed project characteristics, and the need for affordable housing opportunities. The commenter finishes by providing information on recent actions by the City Council that may have reduced the opportunity sites for the development of affordable housing and the increased importance of providing affordable housing units at the proposed project site. As a point of clarification regarding the McFadden site, the City has begun processing the application for a Vans Skate Park for the McFadden site but has not yet taken action on the project. The project requires amendments to the BECSP and General Plan Housing Element to identify alternative affordable housing sites, as well as environmental review.

As discussed in DEIR Chapter 3 (Project Description), one of the objectives of the proposed project is to provide a mix of market rate and affordable housing opportunities. Further, BECSP Section 2.2.3 (Affordable Housing Requirements) requires that a minimum of 10 percent of all new residential construction shall be affordable housing units, unless the project is within the redevelopment project area, in which case the equivalent of 15 percent of all new residential construction shall be affordable housing units. As the proposed project site is located within a redevelopment area 15 percent or 42 units of the 279 housing units proposed would be affordable housing units. These affordable housing units may be provided off site, but if located outside of the redevelopment area, affordable units would be provided at a ratio of 2:1. Compliance with the affordable housing requirement for the

proposed project, as well as for future development within the BECSP area, would contribute to the City meeting its RHNA.

KC-4 The commenter requests that the DEIR include a job-housing fit analysis to determine if individuals working at jobs created by new development could afford to live in the community in which they work. However, the DEIR analysis is limited to those socioeconomic issues that could result in a direct change on the physical environment (CEQA Guidelines Section 15131), and is not required to provide the requested analysis. Further, the proposed project design has not progressed to a level at which a market study could be prepared to understand the retail tenant potential. As such, additional analysis related to jobs-housing fit will not be provided.

Additionally, as discussed in DEIR Chapter 3, a portion of the existing development on the project site will remain. This development includes a range of office and commercial uses that provide ample employment opportunities and job variation for future residents of the proposed project and existing nearby residents. Future development occurring within the BECSP area would result in the creation of a range of job types and housing units to accommodate all income levels of the population. As required by BECSP Section 2.2.3, described under Response KC-3, a minimum of 15 percent of all new residential construction shall be affordable housing due to the project's location within a redevelopment plan area. The creation of a range of job types in close proximity to both affordable and market-rate housing units, as well as to public transportation, would serve to reduce vehicle trips and commutes that will create a more sustainable community, as suggested by the commenter. No further response is required.

KC-5 This comment includes a summary of the Commission's recommendations that have been addressed in Responses KC-1 through KC-4. Trip-reducing measures have been addressed throughout the DEIR, including in Section 4.2 (Air Quality), Section 4.13 (Transportation/Traffic), and Section 4.15 (Climate Change). Affordable housing has been discussed in Section 4.8 (Land Use/Planning) and Section 4.10 (Population/Housing).This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

KC-6 Comment noted. The comment states that the Commission welcomes the opportunity to continue the dialogue related to affordable housing with the City. This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

Ocean View School District (OVSD), February 16, 2011

OVSD1-1 This comment contains introductory or general information, or is repetitive comment addressed later in the comment letter. The commenter begins by

summarizing the Ocean View School District (District) facilities within "close proximity" to the proposed project site. No response is required.

The commenter suggests that the proposed project will have significant adverse impacts on the District schools but does not provide specific examples or environmental impacts that would result from the proposed project, nor do they provide a direct critique of the analysis provided in the DEIR. No further response is required to this point.

However, the commenter finishes this paragraph by stating that the DEIR did not properly address the cumulative impacts that this project and other projects will have on the District. Specifically, the comment states that The Village at Bella Terra was not addressed. DEIR Table 3-5 (page 3-16) identifies all of the cumulative projects that were included and considered both as part of the BECSP EIR and this DEIR. Contradictory to the commenter's statement, included in this table are both The Village at Bella Terra and The Revised Village at Bella Terra projects (as updated for the project-level analysis prepared for this DEIR). As such, again contradictory to the commenter's statement, the DEIR did adequately and sufficiently address cumulative impacts of the proposed project, inclusive of The Village at Bella Terra/The Revised Village at Bella Terra as requested by the commenter. Additionally, it should be noted that during the respective public review periods for The Village at Bella Terra EIR and BECSP EIR, no comments were received from the District.

The commenter goes on to state that impacts identified by the commenter "… including, but not limited to noise dust and traffic …" to the District would also pertain to the neighborhood surrounding the project and Ocean View Little League that practices at Park View School, a District facility that is currently closed. The issues of noise, dust, and traffic are addressed further in, at a minimum, Responses OVSD1-13, OVSD1-11, and OVSD1-6 through OVSD1-10, respectively.

The commenter continues by stating that if Park View School would have to be reopened and the Little League team relocated, "… disharmony and disruption to the children …" would result. The commenter does not address specific environmental impacts or reasons that Park View School might have to be reopened, or does not provide the direct, project-related reason that the Little League would have to be relocated. No further response is required.

The commenter references an agreement signed in approximately 1990 between the District and the Office of Civil Rights Resolution (OCRR) in which the District agreed "… not to take any actions that would impact the Oak View community." The commenter does not provide specific information as to the environmental impact that they infer the proposed project would cause to the District nor do they provide specific information as to the cause of the referenced violation of the agreement with the OCRR. No further response is required.

The final portion of this introductory comment states that, in summary, the referral in the DEIR to the Prior EIR or a section of the Prior EIR is not sufficient and the DEIR does not comply with the required provisions of California Public Resources Code Section 21061 and 14 California Code of Regulations (CCR) Section 15150(a). The commenter is not specific as to why or how the incorporation by reference to the Prior EIR is not sufficient. It is assumed that the document the commenter is referring to is the Beach and Edinger Corridors Specific Plan Environmental Impact Report (BECSP EIR) that is referenced, in whole and in part, in the Beach and Warner Mixed-Use Project EIR. However, CCR Section 15150(a) through (e) are outlined below with a brief explanation as to how the proposed project DEIR is compliant with these sections:

15150. Incorporation by Reference

(a) An EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or Negative Declaration.

Explanation:

DEIR Sections 1.2 and 1.3 outline the steps taken by the City of Huntington Beach during preparation of the BECSP EIR, including approval and certification. These sections of the DEIR also outline the structure of the DEIR

(b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.

Explanation:

As discussed in DEIR Section 1.3 on page 1-5, "All documents incorporated by reference in this EIR are available for review at the City." As such, the proposed project did meet the letter and intent of this requirement. However, as a result of this comment, for complete clarity, a text change has been made to reflect the following:

> All documents incorporated by reference in this EIR are available for review at the City, inclusive of the BECSP EIR.

(c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

Explanation:

On DEIR page 1-3, Section 1.2 discusses the incorporation by reference of the BECSP, as well as the structure of the DEIR with respect to this incorporation of a Program EIR and full analysis of all project-related impacts.

(d) Where an agency incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subdivision (c).

Explanation:

While DEIR Section 1.2 outlines the previous EIR that is incorporated by reference, for clarity, per 14 CCR Section 15150(d), the State Clearinghouse and City of Huntington Beach EIR numbers for the BECSP EIR have been added to DEIR page 1-3.

(e) Examples of materials that may be incorporated by reference include but are not limited to:

(1) A description of the environmental setting from another EIR.

(2) A description of the air pollution problems prepared by an air pollution control agency concerning a process involved in the project.

(3) A description of the city or county general plan that applies to the location of the project.

Explanation:

DEIR Chapter 4 incorporates by reference and by summary information from the BECSP EIR, consistent with, but not limited to, these examples.

(f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand

Explanation:

DEIR Chapter 4 incorporates by reference and by summary information from the BECSP EIR, consistent with, but not limited to, this example.

Additionally, please refer to responses to specific comments and recommendations below.

OVSD1-2 This comment begins with a correct summary of the Beach Mixed-Use building portion of the proposed project. However, it should be noted that the proposed project was analyzed as a whole (i.e., not broken down by segment, component or use), to address the project as a whole, as defined and required by CEQA. This ensures that all project impacts are analyzed at a conservative or "worst-case" level. As such, the student generation information provided in the DEIR and discussed below is for the project as a whole, and not just the Beach- or Warner-Mixed use buildings as broken down by the commenter in Comments OVSD1-2 and OVSD1-4, respectively.

The commenter goes on to provide existing enrollment and capacity of both schools serving the proposed project site; Oak View Elementary School and Mesa View Middle School. The following text has been revised accordingly.

DEIR page 4.11-13:

> … Oak View Elementary School has a current enrollment of ~~829~~ 796 students and a capacity of 848 students.[55] Mesa View Middle School has a current enrollment of ~~744~~ 748 students and a capacity of 840 students.[56] As such, n~~N~~either school located within the OVSD that serves the project site is overcrowded at this time. …
>
> [55] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).
>
> [56] ~~Education Data Partnership, Schools Reports, Oak View Elementary School, http://www.ed-data.k12.ca.us/Navigation/fsTwoPanel.asp?bottom=%2Fprofile%2Easp%3Flevel%3D07%26reportNumber%3D16 (accessed October 20, 2010).~~William V. Loose, written correspondence from Assistant Superintendent, Administrative Services, Ocean View School District, Response to Draft Environmental Impact Report for the Beach and Warner Mixed-Use Project (Report 10-003) (February 16, 2011).

The commenter goes on to state that adding as few as fifty students to each of the referenced schools would require the use of existing portable classrooms to house new students, displacing existing uses. The commenter continues stating that the DEIR did not provide information on the number of residents that would be generated by the proposed project that would potentially have an impact on District schools. This information is provided on DEIR page 4.11-15. However, as stated above, the text has been modified to reflect the enrollment information provided by this comment. Per the discussion on DEIR pages 4.11-14 through 4.11-16, based on a student generation rate of 0.66 student per housing unit for elementary school students and 0.12 student per housing unit for middle school students, the proposed project is anticipated to generate approximately 185 additional elementary school students and 34 middle school students. Based on enrollment capacity provided as part of this comment and the anticipated student generation, the proposed project could result in overcrowding at Oak View Elementary School, but would be within enrollment capacity at Mesa View Middle School. Although the proposed project could result in overcrowding at one of the schools serving the project site, implementation of code requirement BECSP CR4.11-1, which requires the collection of fees under the authority of SB 50 (considered full mitigation under CEQA) would offset any increase in educational demand at the elementary and middle schools serving the project site. Further, although not requested in the commenter's letter, code requirement BECSP CR4.11-1 has been updated to reflect school fee amounts documented in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the most recent of such reports that has been provided to the City.

Code requirement BECSP CR4.11-1 (now BECSP CR4.11-2), DEIR page 4.11-15:

> *BECSP CR4.11-~~1~~2* *The project Applicant shall pay all applicable development impact fees in effect at the time of building permit issuance to the Ocean View School District to cover additional school services required by the new development. These fees are currently $1.~~37~~60 per square foot (sf) of accessible interior space for any new residential unit and $0.~~22~~26 per sf of covered floor space for new commercial/ retail development.*

It is important to note that as provided in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the student generation rate for elementary schools is 0.22 student per dwelling unit and for middle schools is 0.12 student per dwelling unit. While the middle school generation rate is equivalent to that utilized in the analysis of school impacts in the BECSP EIR and this DEIR, the elementary school generation rate identified by the District is considerably lower than that utilized for analysis in the BECSP EIR and this DEIR. In an effort to determine the most conservative or "worst case" impacts to the District facilities, the higher generation rate was retained in this DEIR and was not altered to reflect the information available from the 2006 District report. As such, impacts to schools have been analyzed adequately.

OVSD1-3 The commenter suggests that cumulative impacts to the District have not been addressed, including the effects of the Bella Terra project. This comment was provided in Comment OVSD1-1, without specific information as to what cumulative impacts had not been addressed or what was inadequate about the cumulative analysis provided in the DEIR. As discussed in Response OVSD1-1, cumulative impacts to schools are analyzed on DEIR page 4.11-16. Further, DEIR Table 3-5 (beginning on DEIR page 3-15) identifies all of the cumulative projects that were included and considered both as part of the BECSP EIR and this DEIR. Contradictory to the commenter's statement, included in this table are both The Village at Bella Terra and The Revised Village at Bella Terra projects (as updated for the project-level analysis prepared for this DEIR). As such, again contradictory to the commenter's statement, the DEIR did adequately and sufficiently address cumulative impacts of the proposed project, inclusive of The Village at Bella Terra/The Revised Village at Bella Terra as requested by the commenter. As all new private sector development, including the proposed project, is required to pay statutory impact fees to school districts to help fund construction of additional classrooms, the cumulative impact of future development, including the proposed project, on the District would be less than significant, as identified in the DEIR.

Additionally, it should be noted that during the respective public review periods for The Village at Bella Terra EIR and BECSP EIR, no comments were received from the District.

OVSD1-4 This comment begins with a correct summary of the Warner Mixed-Use building portion of the proposed project. However, as discussed in Response OVSD1-2, it should be noted that the proposed project was analyzed as a whole (i.e., not broken

down by segment, component or use), to address the project as a whole, as defined and required by CEQA. This ensures that all project impacts are analyzed at a conservative or "worst-case" level. As such, the student generation information provided in the DEIR and discussed below is for the project as a whole, and not just the Beach- or Warner-Mixed use buildings as broken down by the commenter in Comments OVSD1-2 and OVSD1-4, respectively.

The remainder of this comment is repetitive of Comment OVSD1-2. As such, refer to Response OVSD1-2. No further response is required.

OVSD1-5 Refer to Response OVSD1-3. No further response is required.

OVSD1-6 The comment acknowledges that traffic related issues were analyzed in the DEIR but goes on to suggest that a current traffic study should be prepared to analyze impacts to District schools. A traffic study, dated December 21, 2010 (and included as DEIR Appendix D), was prepared for the proposed project to address any updated conditions in the immediate area of the project site since preparation of the BECSP traffic study. The commenter also asserts that traffic conditions within proximity to the school are "severe" and "the Project will cause additional traffic volumes to impact the District Schools." These conclusions are not supported with facts or analysis, but rather appear to be generalized observations. Based on the information provided in the project-specific traffic study, it appears the District's opinion is greatly influenced by the heavy peaking of traffic related to school activities at arrival and dismissal times and not due to general street operations in the area. The school activity is an existing condition and the proposed project is not expected to significantly alter the amount or pattern of traffic associated with the school. The traffic study prepared for the proposed project adequately presents the project related traffic conditions in accordance with typical industry standards and City policies related to transportation.

The following includes the technical approach and findings presented in the DEIR and related traffic study. The traffic study looked at the expected changes to traffic volumes and distribution at intersections local to the proposed project, specifically Beach Boulevard/Warner Avenue and Beach Boulevard/Slater Avenue. It was determined that the Beach Boulevard/Slater Avenue intersection currently operates at an acceptable LOS and would continue to do so under the proposed project. Additionally, it was determined that because the reduction in ADT with the proposed project is too small to result in a change, the anticipated LOS at both intersections would not change as a result of the proposed project. As discussed throughout DEIR Section 4.13 (Transportation/Traffic) and specifically in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) beginning on DEIR page 4.13-7, the proposed project would result in a decrease in ADT (a 7 percent reduction) and PM peak hour trips (an 8 percent reduction) as compared to existing conditions. While overall ADT and PM peak hour trip generation would decrease, the proposed project would result in an increase of 88 outbound trips in

the AM peak hour when compared to the existing conditions. However the impact of these additional trips will not change the LOS for this time period. As such, the deficiency identified at Beach Boulevard and Warner Avenue in the BECSP EIR and traffic analysis would require mitigation as part of the overall BECSP development, but the mitigation is not a direct project responsibility since the proposed project would result in a decrease in PM peak hour trip generation. Furthermore, the proposed project is consistent with the project contemplated for the project site in the BECSP, BECSP EIR, and BECSP EIR traffic study and would result in similar impacts identified in those documents, as discussed in the DEIR. As the proposed project would result in an overall decrease of ADT and PM peak hour trips, would not result in a change in the LOS during the AM peak hour at the local intersections, and was determined result in a less than significant impact due to an increase in trips that would result in an unacceptable LOS as defined by the General Plan. As the schools identified by the commenter are located within an approximately two mile radius of the proposed project site, traffic impacts in this area would be similar to those reflected at the local intersections studied (Beach Boulevard/Warner Avenue, Beach Boulevard/Slater Avenue) and would be less than significant. Further, impacts to schools are analyzed beginning on DEIR page 4.11-12.

The commenter continues by providing anecdotal information or opinion regarding the start and dismissal times of the District schools, how traffic volumes in the area are already severe, and that the safety of pedestrians (including District students) in the vicinity of schools is a concern of the District. The commenter does not provide specific additional information or concern, nor is this a direct comment on the content or adequacy of the DEIR. No further response is required.

OVSD1-7 This commenter begins by providing anecdotal information on select properties or uses in the vicinity of their facilities. These include the Rainbow Disposal dumping facility located across the street from Oak View School, some information on the District buses that currently operate in the Oak View neighborhood, as well as the District Bus Facility located "in proximity to" the project. The commenter goes on to suggest that "increased traffic" from the proposed project will somehow impact these facilities and thereby, the District, by way of increased cost for staffing and "wear and tear" on District buses. The opinions expressed in this comment are not supported with any facts, data, or analysis. Nor is there any suggestion as to how the assertions could be analyzed and a determination made regarding the significance of any potential impact. The activity associated with Rainbow Disposal and OVSD operations are background conditions that are not expected to change significantly as a result of the project. OVSD buses have several options for ingress and egress to the neighborhood and the choice of routes is solely the discretion of the Ocean View School District. Two signal controlled access points to Warner Avenue are available to Ocean View School District traffic in this area including Warner Avenue/Nichols Street and Warner Avenue/Ash Street. Both intersections are forecast to continue

operating at acceptable levels of service with and without the proposed project, as discussed in the BECSP EIR and traffic study.

As discussed throughout DEIR Section 4.13 (Transportation/Traffic) and specifically in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project), the proposed project would result in a decrease in ADT (a 7 percent reduction) and PM peak hour trips (an 8 percent reduction) as compared to existing conditions. As discussed in Response OVSD1-6, the proposed project would generate approximately 88 additional outbound trips in the AM peak hour when compared to the existing conditions. However the impact of these additional trips would not change the LOS for this time period. As discussed in Response OVSD1-6, the traffic study prepared for the proposed project (included as DEIR Appendix D) determined that the proposed project would not change the LOS at intersections local to the project. As such, the proposed project will not result in significant impacts to the operation of the signal controlled access points to the Oak View neighborhood or significantly affect the amount and character of traffic generated by Ocean View School District operations or the identified Rainbow Disposal facility. Refer to Response OVSD1-9 regarding construction traffic information.

OVSD1-8 Refer to Response OVSD1-3. No further response is required.

OVSD1-9 The commenter suggests that the DEIR does not include any construction-related traffic mitigation measures. Construction-related traffic impacts are discussed under Impact 4.13-2 beginning on DEIR page 4.13-13. Though not included in DEIR Section 4.13, the DEIR does include several mitigation measures intended to reduce impacts to traffic resulting from construction activities. Refer to mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 included in DEIR Section 4.2 (Air Quality). These mitigation measures would ensure that construction traffic does not block the free flow of traffic, as stated by the commenter.

OVSD1-10 Refer to Responses OVSD1-7 and OVSD1-8. No further response is required.

OVSD1-11 The comment expresses concern that construction related air quality impacts, including fugitive dust, can be significant on adjacent District Schools. Air quality impacts during construction are discussed at length in DEIR Section 4.2 (Air Quality). DEIR Table 4.2-6 (Total Construction Emissions and Localized Significance Thresholds CO and NO_X) and DEIR Table 4.2-7 (Total Construction Emissions and Localized Significance Thresholds PM_{10} and $PM_{2.5}$) identifies emission levels and impacts to sensitive receptors including Oak View Elementary School, Liberty Christian, and Ocean View High School, which are nearby though not adjacent to the project site. As shown in Table 4.2-6 and, localized CO and NO_X would not exceed SCAQMD thresholds during the proposed project construction at any of the identified sensitive receptor locations, including nearby schools. Table 4.2-7 shows that PM_{10} and $PM_{2.5}$ emissions would exceed SCAQMD

thresholds at all sensitive, including nearby schools. As discussed under Impact 4.2-4, beginning on DEIR page 4.2-21, although the proposed project includes mitigation measures BECSP MM4.2-1 through BECSP MM4.2-11 intended to reduce emissions during construction, as well as mitigation measures Project MM4.2-15 and Project MM4.2-16, which specifically address fugitive dust emissions$_5$ emissions of PM_{10} and $PM_{2.5}$ are anticipated to remain above the SCAQMD LST thresholds. Therefore, even after the implementation of mitigation, impacts to localized sensitive receptors, including Oak View Elementary School will remain significant and unavoidable during construction. The proposed project would also result in a cumulative significant and unavoidable impact relating to the exposure of sensitive receptors to substantial pollutant concentrations, as disclosed on DEIR page 4.2-26. Refer also to Response OVSD1-3 regarding cumulative impacts. Therefore, construction-related air quality impacts have been adequately addressed.

It should also be noted, that since preparation of the DEIR, SCAQMD has released the CalEEMod emissions model. In order to present the most accurate construction emissions estimates for the proposed project, air quality modeling included in the DEIR which utilized previous SCAQMD's URBEMIS emissions model has been updated to reflect the CalEEMod findings. Refer to Section 9.2 (Text Changes) for text changes made to DEIR Section 4.2 (Air Quality) related to the updated air quality modeling.

Revised Table 4.2-8 (Total Construction Emissions and Localized Significance Thresholds CO and NO_X) (formerly DEIR Table 4.2-6) and revised Table 4.2-9 (formerly DEIR Table 4.2-7) shows the revised construction emissions analysis with respect to the most stringent air quality standards for CO, NO_X, PM_{10} and $PM_{2.5}$. Emission levels for CO, NO_X, PM_{10}, and $PM_{2.5}$ would not exceed the LST standards during construction at any of the nearby schools included as sensitive receptors. However, emission levels of PM_{10} and $PM_{2.5}$ would exceed LST standards during construction at most residential sensitive receptors. Accordingly, consistent with the findings of the DEIR, impacts to localized sensitive receptors would remain significant and unavoidable during construction.

OVSD1-12 Implementation of the proposed project would generate an additional demand for water but would not require water supplies in excess of existing entitlements and resources, or result in the need for new or expanded entitlements. Refer to the discussion provided under Impact 4.14-2 on DEIR page 4.14-16. As shown in Table 4.14-11(Proposed Project Land Use and Water Demand) on DEIR page 4.14-13, the proposed project would contribute approximately 77.5 afy of new water demand based on proposed land uses. According to DEIR Table 4.14-9 (Supply and Demand Comparison with Base Year Supplies and Demand with Annual Growth [afy]) and DEIR Table 4.14-10 (Supply and Demand Comparison with Base Year Supplies and 2009 Demand with Annual Growth [afy]), the City of Huntington Beach has an adequate supply of water to meet the estimated 77.5 afy demand of the

proposed project. The analysis as provided in the DEIR is adequate to address this comment. As discussed in DEIR Section 4.14, this analysis is based on an extensive Water Supply Assessment (WSA) undertaken by the City of Huntington Beach to address potential impacts of the BECSP. This WSA was included in the BECSP EIR and included the proposed project, as contemplated under the BECSP and BECSP EIR. No further response is required.

Cumulative impacts relating to water supply are analyzed beginning on DEIR page 4.14-19. Refer also to Response OVSD1-3 relating to cumulative impacts. No further response is required.

OVSD1-13 As discussed under Impact 4.9-1, beginning on DEIR page 4.9-9, the closest noise sensitive receptors to the project site would be the residential uses located approximately 75 feet from the project site. To reduce the noise levels resulting from construction of the proposed project on these nearby residences, mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 would be implemented, reducing construction noise impacts to a less-than-significant level. As district schools are located at a distance greater than the nearest residential (sensitive) receptors discussed above and in DEIR Section 4.9, and noise impacts have been determined to be less than significant with implementation of mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3, noise impacts at nearby schools would also be considered less than significant. Further, it is anticipated that this less-than-significant impact would be to an even lesser degree as the distance between the project site and the receptor increases, as is the case with District schools. No additional noise analysis or mitigation plan (as requested by the commenter) is required at this time, and no further response is required.

Cumulative impacts relating to noise sensitive receptors are disclosed beginning on DEIR page 4.9-19. Refer also to Response OVSD1-3 relating to cumulative impacts. No further response is required.

OVSD1-14 Refer to Response OVSD1-2 regarding impacts to District schools serving the project site. Refer to Response OVSD1-3 regarding cumulative impacts.

OVSD1-15 The commenter correctly summarizes portions of the DEIR where impacts to schools are addressed. The commenter also states that DEIR Section 4.11.12 "… provides no information on the number of residents that would live in the Project and would have a potential impact on District Schools." As discussed in Response OVSD1-2 and summarized by the commenter in this comment, DEIR pages 4.11-14 through 4.11-16 discuss the anticipated generation of school-age children as a result of the project, addressing the information that the commenter is seeking in this comment. While not directly relevant to the issue of school impacts, Section 4.10 (Population/Housing) addresses the potential increase in general population (not all school age) as a result of the proposed project.

Refer to Response OVSD1-2 regarding impacts to District schools serving the project site. Refer to Response OVSD1-3 regarding cumulative impacts.

OVSD1-16 The commenter states that the factors used in the DEIR to determine the number of students per household do not accurately reflect the actual number of students per household because "… multiple families reside in units that are meant to be occupied by only one family." Student generation rates reflect number of students per dwelling unit regardless of the type of occupancy a unit may have been intended for, thus capturing situations as described by the commenter. Student generation rates are calculated for each school district, including Ocean View School District, by each district. The student generation rates used in the BECSP EIR and the subject project DEIR were provided by the District and the commenter does not offer data substantiating the use of different rates.

As discussed in Response OVSD1-2, it is important to note that as provided in the 2006 Ocean View School District Fee Justification Report for New Residential and Commercial/Industrial Development, the student generation rate for elementary schools is 0.22 student per dwelling unit and for middle schools is 0.12 student per dwelling unit. While the middle school generation rate is equivalent to that utilized in the analysis of school impacts in the BECSP EIR and this DEIR, the elementary school generation rate identified by the District is considerably lower than that utilized for analysis in the BECSP EIR and this DEIR. In an effort to determine the most conservative or "worst case" impacts to the District facilities, the higher generation rate was retained in this DEIR and was not altered to reflect the information available from the 2006 District report. As such, this would address or compensate for conditions suggested by the commenter.

OVSD1-17 Refer to Response OVSD1-2 regarding impacts to District schools serving the project area. With implementation of code requirement BECSP CR4.11-1 fees collected under the authority of SB 50 would offset any increase in educational demand at the elementary school, middle school, and high school serving the project site. This is considered full mitigation under CEQA. As indicated in the mitigation measure, the project is subject to the school fees in effect at the time of building permit issuance. Thus, should the District update its Fee Report and justify higher tier fees, as allowed by state law, those would be applicable to the project. As such, no further additional analysis or response is required.

Refer also to Response OVSD1-3 regarding cumulative impacts.

OVSD1-18 The commenter suggests that "… a more up to date traffic study …" is required. Traffic impacts are fully analyzed in DEIR Section 4.13. The analysis contained in DEIR Section 4.13(Transportation/Traffic) was based on Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project dated December 8, 2010, included as DEIR Appendix D, and the Beach Boulevard and Edinger Avenue Corridors Specific Plan Traffic Study dated August 2009. Refer to these traffic

studies for additional information related to traffic resulting from the proposed project. Additionally, in response to comments received on the DEIR, a revised Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project, dated September 27, 2011, has replaced DEIR Appendix D and is included at the end of this Volume III. The revised traffic study includes an Existing plus Project traffic impact analysis that has been incorporated into DEIR Section 4.13.

As discussed in Response OVSD1-9, impacts to traffic during construction were analyzed in both Section 4.2 (Air Quality) and Section 4.13. Mitigation measures BECSP MM4.2-8, BECSP MM4.2-9, and BECSP MM4.2-10 would maintain free-flowing traffic and ensure construction impacts are reduced to a less than significant level.

Refer also to Response OVSD1-3 regarding cumulative impacts.

OVSD1-19 DEIR Chapter 6 (Alternatives) included analysis of the No Project Alternative and a Reduced Project Alternative. As discussed in DEIR Section 4.11, impacts to schools would be less than significant, as payment of the required school fees under SB 50 would offset any costs experienced by the District. The same would be true under the Reduced Project Alternative (the No Project Alternative would not generate school-aged children). As such, the Reduced Project Alternative would result in a less than significant impact to schools, but to a lesser extent than the proposed project as less residential dwelling units would be proposed and therefore, less school-age children generated. Similarly, cumulative impacts of the Reduced Project Alternative would be less severe than the proposed project. No further response is required.

Refer to Response OVSD1-3 regarding cumulative impacts, as appropriate.

OVSD1-20 Refer to Responses OVSD1-2 through OVSD1-19 addressing the District's concerns and comments included in this comment letter. It is not the responsibility of this EIR to evaluate and mitigate impacts to each of the school's learning environments, but rather to evaluate if the proposed project would result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. Although the most conservative analysis of the proposed project (using the BECSP and this DEIR's student generation rates) could result in overcrowding at Oak View Elementary School, payment of school fees to OVSD as required by code requirement BECSP CR4.11-1 would be considered full mitigation under CEQA and no additional analysis or mitigation is required.

Refer to Response OVSD1-3 regarding cumulative impacts.

All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

10.3.3 Individuals

Bonnie Weberg (BW), January 20, 2011

BW-1 Comment noted. This is a summary of the commenter's opinion on the proposed project and is not a direct comment on the content or adequacy of the DEIR. Additionally, the comment does not raise any specific environmental issue. No further response is required.

BW-2 Comment noted. The commenter correctly summarizes the project characteristics and then suggests that parking will not be adequate on the project site. Refer to the discussion under Impact 4.13-6 beginning on DEIR page 4.13-17 relating to the provision of parking on the project site. The amount of parking provided on the project site would meet the parking requirements established for the project area in the BECSP by the City of Huntington Beach. It should be noted that, as discussed in Impact 4.13-7, the proposed project site is served by multiple OCTA bus lines, running immediately adjacent to the site. This would encourage a portion of the future residents and employees to use transit, thereby reducing the number of cars parked on site. This is not a direct comment on the content or adequacy of the analysis provided in DEIR, however, and no further response is required.

BW-3 Comment noted. The commenter correctly summarizes the project characteristics. This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

BW-4 Comment noted. The commenter suggests that the proposed project is not financially responsible and that the proposal includes the "selective saving of some buildings, and the existing parking structure." This is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.

BW-5 Comment noted. The commenter generally suggests that the proposed project would result in impacts to traffic. Refer to Section 4.13 (Transportation/Traffic) of this for a discussion of traffic related impacts. As shown in Table 4.13-3 on DEIR page 4.13-7, implementation of the proposed project would result in a 7 percent reduction in average daily trips (ADT) compared to existing conditions, thereby reducing traffic in the immediate vicinity of the project site. No further response is required.

Gayle Kirkhuff (GK), January 15, 2011

GK-1 Comment noted. The commenter suggests that the proposed project would result in additional traffic in the area, limited parking, and additional accidents. However, as

discussed in DEIR Impact 4.13-1, the proposed project would result in an overall reduction in ADT compared to existing conditions, reducing traffic in the immediate vicinity of the project site. Further, as discussed in Impact 4.13-4, the proposed project would meet the parking requirements established by the BECSP for the project area. Finally, as discussed in Impact 4.13-4, the proposed project would not be the source of accidents above existing conditions.

With regard to comments relating to the existing movie theater and the Chili's restaurant on the project site, this is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. However, both uses are proposed to be removed as part of the proposed project. No further response is required.

Greg Ryan (GR), February 22, 2011

GR-1 This comment contains introductory or general information, Please refer to responses to specific comments and recommendations below. No further response is required.

GR-2 The commenter correctly summarizes the data put forth in DEIR Section 4.13 (Transportation/Traffic). As shown in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) on DEIR page 4.13-7, the proposed project would result in a 13 percent increase in AM peak hour trips, an 8 percent decrease in PM peak hour trips, and a 7 percent decrease in ADT compared to existing conditions. However, the impact of these additional trips during the AM peak hour will not change the LOS for this time period. Additionally, it is important to understand the change in trip distribution due to the proposed change in land use. Discussion of this information among other traffic-related impacts resulting from the proposed project is provided in DEIR Section 4.13 (Transportation/Traffic).

GR-3 Comment noted. The commenter is concerned with the viability of the proposed retail uses based on the location of proposed parking. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

GR-4 Comment noted. The commenter provides a listing/map of fitness clubs in the vicinity of the proposed project site. Further, the commenter believes the loss of Bally's Total Fitness from the project site would have a negative impact on the area. This is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

GR-5 Comment noted. The commenter requests that he be informed of any additional opportunity to provide input prior to the project being approved. This comment will

be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. As such, no further response is required.

Karl Kistner (KK), January 16, 2011

KK-1 Comment noted. The commenter generally provides their opinion on development in the area. The commenter first suggests that the existing Bally's Total Fitness is a "state of the art" training facility that is heavily patronized. Further, the commenter does not understand why the proposed project site would be slated for development, recognizing in their opinion, the need for redevelopment of other strip malls in the area. The commenter finishes by requesting that the project be reconsidered by the Planning Commission. These points are not direct comments on the content or adequacy of the DEIR. Additionally, no specific environmental issue is raised. As such, no further response is required. However, all comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

10.3.4 Comment Received after DEIR Review Period

Law Office of Bergman and Dacey, Inc. on behalf of the Ocean View School District (OVSD2), April 25, 2011

OVSD2-1 This comment contains introductory information and a request that OVSD be advised of changes made to the project to address concerns raised by Commissioner Erik Peterson about the project's effect on schools. Please refer to Response OVSD1-2, related to enrollment, capacity, and overcrowding at local schools Response OVSD1-2 confirms that the proposed project could generate enough students to result in an exceedance of enrollment capacity at Oak View Elementary School based on updated 2010 enrollment numbers, but concludes that implementation of code requirement BECSP CR4.11-1, which requires the collection of fees under the authority of SB 50 (considered full mitigation under CEQA), would offset any increase in educational demand at the elementary and middle schools serving the project site. Accordingly, no further response is required, relating to the project's effect on schools, as the impact to schools has been disclosed and fully mitigated in this EIR.

The comment goes on to say that OVSD was not provided notice of availability of the FEIR and was therefore unable to provide supplemental comments and documentation responsive to the FEIR. However, a CD of the FEIR was sent to the following address to the attention of William V. Loose, Ed.D., on April 7, 2011: Ocean View School District, 17200 Pinehurst Lane, Huntington Beach, CA 92647-5569. As such, OVSD was properly notified of the availability of the FEIR. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

OVSD2-2 This comment states that the DEIR has been reviewed by Environmental Audit, Inc. and based on this review, the DEIR must be revised and recirculated. However, no specific comments were made or issues were raised. Additionally, no documentation or information to support the claim that the DEIR needs to be recirculated has been provided. Please refer to responses to specific comments and recommendations below. No further response is required.

OVSD2-3 The commenter states that the project description is inadequate and difficult to understand, referring specifically to the existing and proposed site plans included in DEIR Chapter 3 (Project Description). In response to this comment, DEIR Figure 3-2 (Project Site and Surrounding Land Uses) and DEIR Figure 3-3 (Proposed Project Site Plan), provided in Section 9.3 (Figure Changes), have been revised to include labels that clearly identify existing uses and buildings on the site and proposed project components, respectively. Additionally, DEIR Figure 3-2 is supported by a description of the orientation of existing development on the project site as provided in DEIR Section 3.1.1 (Existing Project Site), as well as DEIR Table 3-1 (Summary of Existing Site Characteristics) and DEIR Table 3-2 (Existing Development on the Project Site). DEIR Figure 3-3 is supported by a description of the proposed project, as provided in DEIR Section 3.2 (Project Characteristics). Updates to DEIR Figure 3-2 and DEIR Figure 3-3 which now include building labels have adequately addressed this comment and no further response is required.

OVSD2-4 The commenter states that DEIR Table 3-5 (Cumulative Projects) is inadequate and fails to identify a number of past, present, and reasonably foreseeable projects. All of the projects specifically cited in this comment have been included in BECSP EIR Table 3-2 (Cumulative Projects) with the exception of the City's Downtown Specific Plan Update and the Circulation Element Update, as these planning documents were in their early planning phases and NOPs had not yet been published at the time the proposed project NOP was published in July 2008. The Downtown Specific Plan Update was adopted by the City in 2010 and the Circulation Element Update is in currently in progress. Further, development anticipated under these two updates is limited to a small amount of residential uses over time (less than 700 residential dwelling units) and improvements to roadway intersections in the City (none of which are located in the project study area). These plan updates have been incorporated into DEIR Table 3-5, as shown in the text edit to DEIR Table 3-5 below.

Table 3-5 Cumulative Projects

No.	*Project Name*	*Major Project Features*	*Project Status*
Beach and Edinger Specific Plan Cumulative Projects, BECSP EIR Table 3-2			
Refer to BECSP EIR Table 3-2 (Cumulative Projects), which includes a list of projects identified by the City and neighboring jurisdictions, as well as build-out of the General Plan, that was used to determine the cumulative effects of build-out of the BECSP. As the proposed project was analyzed as part of the build-out of the BECSP in the BECSP EIR, and as the project EIR has been tiered from the BECSP EIR, the cumulative impact analysis provided in the BECSP EIR would also apply to this EIR. This is disclosed under the Cumulative Impacts heading of each section in this EIR.			

Table 3-5 Cumulative Projects

No.	Project Name	Major Project Features	Project Status
Projects Located within 1 Mile of Project Site			
…			
Projects Located Further Than 1 Mile from Project Site			
…			
12	The Village at Bella Terra/The Revised Village at Bella Terra	General Plan Amendment and Zoning Text Amendment to increase the maximum development density, establish mixed-use zoning, and create mixed-use development standards in Specific Plan No. 13, located between Edinger Avenue and Center Avenue, just west of the existing Bella Terra mall. The General Plan amendment currently allows a maximum of 713 dwelling units and 138,085 sf of commercial uses. ~~The City approved a mixed-use project with 468 dwelling units and 30,000 sf of commercial uses, as well as a 154,113 sf Costco, including an ancillary tire sales/installation center and gas station.~~	An Environmental Impact Report has been certified ~~for the~~. A site plan has been approved ~~The Village at Bella Terra project. An Addendum to this was approved for The Revised Village at Bella Terra project.~~for 467 residential units, a Costco, and other commercial space.
…			
16	Senior Center	Construction of a new 45,000 sf senior center and associated parking at southwest corner of Goldenwest Street and Talbert Avenue.	~~Entitlements have been approved.~~A CUP was approved for this project but a Subsequent EIR, General Plan Amendment and revised CUP are being processed.
…			
18	The Boardwalk	A mixed-use project at the northeast corner of Gothard Street and Center Avenue consisting of 487 apartment units, 14,500 sf of commercial uses, private recreational area, and 0.5 acre of public open space.	The project has been approved.
19	Downtown Specific Plan Update	An update to the existing Downtown Specific Plan to reconfigure eleven existing districts into seven new districts, revise development standards, provide recommendations related to streetscape, public amenities, circulation and mobility, amend the Downtown Parking Master Plan, and create a Design Guidelines document for all development in the downtown area.	The plan update has been approved.
20	Circulation Element Update	The Circulation Element Update includes two technical components; the development of an updated local area transportation model and application of the new model for analyzing and developing recommendations for updated sections of the Circulation Element.	In progress

SOURCE: ~~City of Huntington Beach.~~ Mary Beth Broeren, ~~Written communication from Mary Beth Broeren, City of Huntington Beach (October 22, 2008., Uupdated December 18, 2008, and April 7, 2009., Cconfirmed current by Rosemary Medel, November 2010.)~~; City of Huntington Beach, Major Projects and Application Process, http://www.Huntingtonbeachca.gov/government/departments/Planning/major/ (accessed on August 23, 2011).

Projects cited by the commenter include those listed below. The status of each project according to the City of Huntington Beach is also described below.[1]

[1] City of Huntington Beach, Major Projects and Applications in Process, http://www.ci.huntington-beach.ca.us/Government/Departments/Planning/major/index.cfm (accessed September 6, 2011).

- **Beach Boulevard and Edinger Avenue Corridors Specific Plan:** The proposed project was analyzed in the BECSP EIR as part of build-out of the BECSP, and this project EIR has been tiered from the BECSP EIR. As disclosed under the Cumulative Impacts heading of each section in this EIR, the cumulative impact analysis provided in the BECSP EIR would also apply to this EIR.
- **Brightwater/Hearthside Homes:** Included as Project No. 36 (Brightwater Annexation) in BECSP EIR Table 3-5. The Brightwater Annexation project is currently under construction.
- **Downtown Specific Plan Update:** Included as Project No. 19 on revised DEIR Table 3-5 below. The Downtown Specific Plan Update was adopted by the City in 2010. The Downtown Specific Plan Update was not a project at the time the proposed project NOP was published in July 2008 and in 2009 during the preparation of the BECSP EIR.
- **Former Lamb School Site:** Included as Project No. 38 (Lamb School Site) in BECSP EIR Table 3-5. Environment review is currently underway.
- **Former Wardlow School Site:** Included as Project No. 42 (Wardlow School site) in BECSP EIR Table 3-5. Environment review is currently underway.
- **Harmony Cove:** Included as Project No. 37 (Harmony Residential Development) in BECSP EIR Table 3-5. Project is currently in progress.
- **Newland Street Residential/Pacific Shores:** Included as Project No. 7 (Blue Canvas Residential Project) in BECSP EIR Table 3-5. This project has been completed.
- **Pacific City:** Included as Project No. 22 (Pacific City) in BECSP EIR Table 3-5. Entitlements for this project have been approved.
- **Parkside Estates:** Included as Project No. 39 (Parkside Estates) in BECSP EIR Table 3-5. The project's Land Use Plan was approved by the California Coastal Commission in 2008.
- **Ascon Landfill Site:** Included as Project No. 18 (Magnolia Pacific Specific Plan [also known as Ascon/Nesi Landfill]) in BECSP EIR Table 3-5. This project is ongoing.
- **Circulation Element Update:** Included as Project No. 20 on revised DEIR Table 3-5 below. The Circulation element Update was not a project at the time the proposed project NOP was published in July 2008 and in 2009 during the preparation of the BECSP EIR. This project is currently in progress.
- **Newland Street Widening:** Included as Project No. 19 (Newland Street Widening) in BECSP EIR Table 3-5. This project has been completed.
- **Poseidon Desalination Plant:** Included as Project No. 23 (Poseidon Seawater Desalination Facility) in BECSP EIR Table 3-5. The EIR for this project was certified by City Council on September 6, 2005. Poseidon is currently securing permits from other regulatory agencies.

As the proposed project was analyzed in the BECSP EIR as part of build-out of the BECSP, and this project EIR has been tiered from the BECSP EIR, the cumulative impact analysis provided in the BECSP EIR would also apply to this EIR, and the proposed project would not result in impacts different from or greater than previously analyzed in the BECSP EIR. Therefore, additional cumulative impact analysis is not required.

OVSD2-5 The commenter states that the DEIR violates CEQA Guidelines Section 15150 (Incorporation by Reference) specifically citing Part C of the Section, which states:

> Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

The commenter states specifically that that the DEIR does not clearly state or summarize the referenced sections of the BECSP EIR, and uses as an example the reference to the applicable regulatory framework section of the BECSP EIR for all sections of DEIR Chapter 4. Refer to Response OVSD1-1, which includes a brief explanation as to how the DEIR is compliant with CEQA Guidelines Section 15150(a) through (e).

With regard to the regulatory framework example, the regulatory framework discussion provided as Section 4.X.2 (X is the applicable section number) in each of the issue area sections of the DEIR includes the following language "Refer to Section 4.X.2 (Regulatory Framework) of the BECSP Program EIR, for applicable federal, state, and local regulations that would apply to the proposed project. No new regulations have been implemented since the certification of the Program EIR." This reference clearly states that the regulatory framework provided in a specific section of the BECSP EIR for the stated issue area includes a discussion of the applicable federal, state, and local regulations that would apply to the proposed project.

To further clarify this issue, DEIR page 1-5 has been revised to read:

> All documents incorporated by reference in this EIR are available for review at the City, inclusive of the BECSP EIR.

Accordingly, the Project EIR does not violate CEQA Guidelines Section 15150, and no further response is required. Refer also to Response OVSD2-6 below, regarding the DEIR's relationship to the BECSP EIR, and how it is appropriate to refer to the BECSP EIR to avoid repetitive discussions, inclusive of the regulatory setting.

OVSD2-6 In order to adequately address comments relating to the baseline used in this DEIR, the project's relationship to the BECSP Program EIR must be explained. The Initial Study/Notice of Preparation (IS/NOP) prepared for the BECSP Program EIR (July 2008) identified four individual projects that would also be analyzed within the BECSP EIR. Subsequent to the IS/NOP; however, it was determined that those

projects would be analyzed separately from the BECSP so as to allow the public and decision-makers adequate time to review each project.

The proposed project is one of the four individual projects identified in the IS/NOP. Specifically, as described on DEIR page 1-2, "For the proposed project site, a project consisting of 272 residential dwelling units (totaling approximately 297,850 sf), 29,600 sf of retail uses, 6,000 sf of restaurant uses, and 7,000 sf of residential common area was identified in the BECSP IS/NOP. The project, as proposed, is 7 dwelling units (7,014 sf) larger than the project contemplated for the project site in the IS/NOP." As such, consistent with the commenter's statement that the EIR must include a description of the physical environmental conditions in the vicinity of the project at the time the NOP is published, the appropriate baseline for the preparation of the DEIR would be the conditions at the time of circulation of the IS/NOP for the BECSP EIR, which included the proposed project, published in 2008.

As stated in CEQA Guidelines Section 15385, tiering is appropriate when the sequence of EIRs is from a general plan, policy, or program EIR to … a site-specific EIR. The reason for streamlining through tiering is to avoid repetition, wasted time, and unnecessary speculation. Express policy is to avoid "repetitive discussions of the same issues in successive" EIRs and ensure later EIRs "are consistent with a previously approved policy" so as to "concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project" CEQA Guidelines, Section 15152; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318–1319, 8 Cal.Rptr.2d 473.). If a lead agency were required to keep changing the baseline for subsequent tiered documents, then the purpose of the program EIR and the streamlining act would not be achieved. There is no stated requirement that baselines must be updated for subsequent tiered documents either in the CEQA Guidelines or case law.

A lead agency may tier EIRs for a sequence of actions so that the later EIRs on projects within the program incorporate and build on the information in the previous EIR. Later-tiered EIRs concentrate on environmental effects that are capable of being mitigated or that were not analyzed as significant environmental impacts in the program EIR. Once broad environmental issues have been examined in a first-tier EIR, EIRs on later development projects may concentrate on the environmental issues specific to the later project (14 Cal Code Regs 15152(a)). This allows lead agencies to prepare environmental documents that focus on issues that are ripe for decision at each stage and to exclude issues that have already been decided. According to Kostka and Zischke (Practice under the California Environmental Quality Act, Second Edition [2010]), the first-tier EIR can specify the impacts expected from a particular type and intensity of development to create an "envelope" of analyzed impacts so that later actions that do not exceed the analyzed impacts are within the scope of the EIR. In the case of the proposed project, the

BECSP meets the basic requirements for a program EIR, in that it covered a broad geographic area and described the types and densities of development that would be allowed, expecting that subsequent projects would be subject to a project-specific EIR tiered from the program EIR. Since the BECSP EIR contained the development envelope described by Kostka and Zischke, if the proposed project is consistent with the Specific Plan, its impacts would be within the scope of the Program EIR. This would lead a reasonable person to assume that, if it's within the scope of the broader document, then the same baseline as described in the program EIR would apply. Only those project-specific impacts that were not analyzed in the program EIR or are greater than those previously analyzed are required to be included in a tiered EIR. This is caveated to say that if there are any project impacts that were not analyzed in the program EIR, and the analysis in the project EIR is new, it would be appropriate to update the baseline, but for those new impacts only. This is the approach that was taken in the preparation of the DEIR, as well as others that have come under the Specific Plan thus far.

There is no case law that specifically discusses a requirement to update a baseline in subsequent tiered documents. However, there are specific requirements used when determining whether a subsequent or supplemental EIR is required that could be imputed to tiered documents (although this has not yet been formally codified). These focus on (1) whether there are substantial changes proposed in the project that would require major revisions of the EIR; (2) whether *substantial changes* occur with respect to the circumstances under which the project is being undertaken that will require major revisions in the EIR (emphasis added); or (3) whether there is new information that was not known and could not have been known at the time the EIR was certified as complete becomes available (Public Resources Code 21166). These requirements could, as a matter of good faith disclosure, apply to subsequent tiered documents. So the argument in this case would be that the changes that have occurred in the baseline since certification of the Program EIR are *not substantial* (which remains undefined), there are no substantial changes in the Specific Plan (change in the project), and the Project-level EIR is within the Program EIR development envelope analyzed. Unless there have been major changes in baseline conditions, there is no reason a project cannot use the baseline in the program EIR as long as it can be argued that the baseline is still relevant.

Use of the appropriate baseline is intended to allow a "snapshot" of the impacts of the project alone. If the argument can be made that project impacts wouldn't change given changes in baseline circumstances, there is no need to redo the analysis based on a more current baseline condition. Accordingly, as the proposed project is located within the BECSP area, proposed development is required to be consistent with the BECSP, including the maximum amount of new development established in BECSP Section 2.1.1 and be within the scope of the Program EIR, and since the proposed project is one of the first projects to be analyzed in the BECSP on a project specific level, and is substantially similar to the project contemplated in the BECSP EIR for

the project site (7 dwelling units larger), the small addition of units would not substantially alter the environmental analysis prepared for the BECSP. Therefore the baseline used in the DEIR, which is consistent with the baseline used in BECSP EIR, is appropriate to determine the impacts of the proposed project. However, where it was determined that the additional seven units proposed might change the BECSP EIR analysis for specific environmental issue areas, identified on DEIR page 4-1, additional analysis has been provided in the DEIR. No additional analysis or response is required.

OVSD2-7 Existing shade and shadow conditions are described in detail under the Shade and Shadow heading on DEIR page 4.1-6, and again on DEIR page 4.1-14. As described on DEIR page 4.1-6, "Existing primarily one and two story development on the project site currently creates limited shade and shadow patterns." This is due to the low height of existing development and the presence of roadways on all sides of the project site preventing shadows from affecting adjacent and nearby residential uses. The existing fifteen-story high-rise office tower and the six-story parking structure, both of which would remain with implementation of the proposed project, cast substantial shadows. However, existing shadows cast by the high-rise office tower and parking structure do not extend onto shadow sensitive uses in the area, as discussed on DEIR page 4.1-6 and DEIR page 4.1-14. Because the office tower and parking structure would remain with implementation of the proposed project and are depicted on the shadow simulations prepared for the proposed project (included as DEIR Figure 4.1-3 [Summer Solstice] and Figure 4.1-4 [Winter Solstice]), existing baseline shadow conditions are adequately represented. As shown in DEIR Figure 4.1-3 and Figure 4.1-4, and stated on DEIR page 4.1-14, "the shadows from the proposed development would fall substantially within the existing shadows or on existing roadways and would not exacerbate the existing shadow conditions." Therefore, the proposed development would not cast shadows that would extend onto shadow sensitive uses, consistent with existing baseline shadow conditions. No further analysis is necessary.

OVSD2-8 DEIR Figure 4.1-2 (Project Sections) has been revised to identify existing and proposed structures as requested by the commenter. The revised Figure 4.1-2 has been provided on FEIR page 9-64.

OVSD2-9 The commenter states that the DEIR fails to analyze the existing (baseline) air emissions from the existing site. As described on DEIR page 4.2-14 under Threshold of Significance, the DEIR utilized the methodology put forth by the SCAQMD. The SCAQMD recommends that projects should be evaluated in terms of air pollution control thresholds established by the SCAQMD and published in the CEQA Air Quality Handbook. Page 8-1 of Chapter 8 (Developing EIR Baseline Information) of the SCAQMD Air Quality Handbook provides the following method for determining existing (baseline) air quality:

> **Existing Air Quality.** To characterize the site-specific air quality setting the environmental document should contain the most current air quality data. The data must be derived from the nearest District monitoring station located in the same source receptor area(s) (SRA) as the project … Monitoring station data should be used to provide background concentration levels of criteria pollutants and the number of days in which the criteria pollutants exceeded state and federal standards.

As noted by the commenter, the DEIR provided the existing background concentration levels of criteria pollutants and the number of days that state and federal standards were exceeded from 2006 to 2008 in DEIR Table 4.2-1 (Summary of Ambient Air Quality in the Project Vicinity). Further, in preparation of this FEIR, DEIR Table 4.2-1 (Summary of Ambient Air Quality in the Project Vicinity) has been updated to reflect the most recently available background concentrations from 2007 to 2009, as provided below.

Table 4.2-1 Summary of Ambient Air Quality in the Project Vicinity

	Number of Days Standards Were Exceeded and Maximum Ambient Concentrations During Such Violations					
Pollutant/Standard	*2006~~7~~*		*2007~~8~~*		*2008~~9~~*	
Ozone						
State 1-Hour ≥ 0.09 ppm	0	days	0	days	0	days
Max. 1-Hour Conc. (ppm)	0.~~07~~082	ppm	0.~~08~~2094	ppm	0.~~09~~4087	ppm
State 8-Hour > 0.070 ppm	~~0~~2	days	~~2~~15	days	~~15~~3	days
Federal 8-Hour > 0.075 ppm[a]	0	days	~~0~~3	days	~~3~~0	days
Max. 8-Hour Conc. (ppm)	0.~~06~~4072	ppm	0.~~07~~2079	ppm	0.~~07~~9075	ppm
Carbon Monoxide						
State 1-Hour > 20.0 ppm	0	days	0	days	0	days
Federal 1-Hour ≥ 35.0 ppm	0	days	0	days	0	days
Max 1-Hour Conc. (ppm)	~~4~~5	ppm	~~5~~3	ppm	3	ppm
State 8-Hour > 9.0 ppm	0	days	0	days	0	days
Federal 8-Hour ≥ 9. ppm	0	days	0	days	0	days
Max. 8-Hour Conc. (ppm)	3.1	ppm	~~3.1~~2	ppm	2.~~2~~	ppm
Nitrogen Dioxide						
State 1-Hour ≥ 0.18 ppm	0	days	0	days	0	days
Federal 1-Hour ≥ 0.10 ppm	0	days	0	days	0	days
Max. 1-Hour Conc. (ppm)	0.~~0~~507	ppm	0.~~07~~08	ppm	0.~~08~~07	ppm
State Annual ≥ 0.030 ppm	0	days	0	days	0	days
Federal Annual ≥ 0.053 ppm	0	days	0	days	0	days
Max. Annual Conc. (ppm)	0.~~0145~~01320	ppm	0.0132~~0~~	ppm	0.0132~~0~~	ppm

Table 4.2-1 Summary of Ambient Air Quality in the Project Vicinity

Pollutant/Standard	Number of Days Standards Were Exceeded and Maximum Ambient Concentrations During Such Violations					
	2006~~7~~		2007~~8~~		2008~~9~~	
Sulfur Dioxide						
State 1-hour ≥ 0.25 ppm	0	days	0	days	0	days
Max 1-Hour Conc. (ppm)	0.01	ppm	0.01	ppm	0.01	ppm
State 24-hour ≥ 0.04 ppm	0	days	0	days	0	days
Federal 24-Hour > 0.014 ppm[b]	0	days	0	days	0	days
Max 24-Hour Conc. (ppm)	0.~~004~~0010	ppm	0.001~~0~~1	ppm	0.~~0011~~0004	ppm
~~Federal Annual 0.03 ppm~~	~~0~~	~~days~~	~~0~~	~~days~~	~~0~~	~~days~~
~~Annual Average~~	~~0.0013~~	~~ppm~~	~~0.0010~~	~~ppm~~	~~.0011~~	~~ppm~~
Inhalable Particulates (PM_{10})						
State 24-Hour > 50 µg/m³	~~7~~5	days	~~5~~3	days	~~3~~1	days
Federal 24-Hour > 150 µg/m³	0	days	0	days	0	days
Max. 24-Hour Conc. (µg/m³)	~~104~~75	µg/m³	~~75~~61	µg/m³	~~61~~63	µg/m³
State Annual > 20 µg/m³	*	days	*	days	*	days
Max. Annual Conc. (µg/m³)	~~33.4~~31.0	µg/m³	~~31.0~~28.6	µg/m³	~~28.6~~30.9	µg/m³
Inhalable Particulates ($PM_{2.5}$)						
Federal 24-Hour > 35 µg/m³	~~8~~14	days	~~14~~13	days	~~13~~4	days
Max. 24-Hour Conc. (µg/m³)	~~56.2~~79.4	µg/m³	~~79.4~~67.9	µg/m³	~~67.9~~64.6	µg/m³
State Annual > 12 µg/m³	*	days	*	days	*	days
Federal Annual > 15 µg/m³	*	days	*	days	*	days
Max. Annual. (µg/m³)	14.~~1~~5	µg/m³	~~14.5~~13.7	µg/m³	~~13.7~~11.8	µg/m³

SOURCE: South Coast Air Quality Management District, SRA18, PM_{10}, and $PM_{2.5}$ data from SRA17, http://www.aqmd.gov/smog/historicaldata.htm, August 2010

ppm = parts per million; µg/m³ = micrograms per cubic meter

* Data not available

a. The federal 1-hour ozone standard of 12 ppm was revoked on June 15, 2005, and replaced with the federal 8-hour ozone standard.

b. ~~On June 2, 2010, EPA established a new 1-hour sulfur dioxide standard of 75 ppm. Monitoring ambient sulfur dioxide concentrations for compliance with this new standard needs to be in place by January 2013.~~ U.S. EPA has revised the federal standard by establishing a new SO_2 1-hour standard of 75 ppb (0.075 ppm) and revoking the existing annual (0.03 ppm) and 24-hour (0.14 ppm) SO_2 standards, effective August 2, 2010. The federal and state SO_2 standards were not exceeded.

The City has determined that utilizing the methodology and significance criteria put forth by the SCAQMD is the most effective method for determining potential air quality impacts of new development within the City. As such, the site-specific existing conditions for the project were accurately reported.

Subsequent to circulation of the DEIR, the SCAQMD released a new modeling program for air quality emissions (CalEEMod). CalEEMod was released for public

use by the SCAQMD in February 2011 and contains updated factors, methodologies, defaults, and survey data for estimating construction and operational emissions. Among the features of CalEEMod that provide a more accurate estimate of emissions over URBEMIS, are the following:

- CalEEMod uses a construction profile (equipment type, hours of activity) based on SCAQMD construction survey.
- CalEEMod provides a more specific calculation based on actual construction equipment and amount of material hauled for the grading phase.
- Methodology supported by substantial evidence (e.g., approved publications, peer-reviewed reports, etc.).
- Uses the BURDEN mode in CARB's EMFAC model to provide more accurate regional characteristics (fleet mix, vehicle miles traveled, temperature, etc.) for operational emissions.

While the SCAQMD has not required use of this model over the previous URBEMIS model (used for analysis in the DEIR), to demonstrate use of the most current technical information and modeling available, the proposed project has been remodeled using CalEEMod as part of the preparation of this FEIR. As part of this process, in response to this comment, and for informational purposes only, the operational emissions for the project site's current land uses were estimated utilizing CalEEMod. The results of the modeling have been incorporated into the DEIR beginning on DEIR page 4.2-10 as follows:

> In order to analyze the Existing Plus Project emissions, the existing operational emissions for the project site were estimated using CalEEMod. The site is currently occupied with a 196,000 sf, fifteen-story office tower, a 42,343 sf fitness center, a 26,730 sf Movie Theater, 13,414 sf of retail uses, 24,200 sf of single-story office uses and 18,322 sf of restaurant uses. The emissions estimates are based on the estimated trip generation presented in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) and default values for natural gas use, area source emissions, and vehicle emission factors specific to the land uses described above. Table 4.2-3 (Existing Project Site Daily Operational Emissions [CalEEMod]) summarizes the existing operational emissions. As shown in Table 4.2-3, under existing conditions, the project site currently exceeds the SCAQMD threshold for daily NO_X emissions.

Table 4.2-3 Existing Project Site Daily Operational Emissions (CalEEMod)

Emissions Source	Emissions in Pounds per Day[a]					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Water and Space Heating (Natural gas)	0.26	2.30	1.93	0.01	0.0	0.18
Landscape Maintenance	0.00	0.00	0.00	0.00	0.00	0.00
Consumer Products	7.92	0.00	0.00	0.00	0.00	0.00
Architectural Coatings	2.54	=	=	=	=	
Motor Vehicles	44.25	94.54	415.68	0.52	58.02	3.94
Maximum Daily Emissions	54.95	96.83	417.60	0.53	58.19	4.11
SCAQMD Thresholds (lb/day)	55.00	55.00	550.00	150.00	150.00	55.00
Exceeds Threshold	No	**Yes**	No	No	No	No

SOURCE: Atkins 2011 (calculation sheets are provided in Appendix A).
a. Assumes no natural gas fireplaces.

As a result of the advanced technical capabilities of the air quality model (CalEEMod versus URBEMIS), changes to both construction and operational emissions have been identified since circulation of the DEIR. However, the level of significance of project impacts has not changed and no additional mitigation measures are required. Therefore, recirculation of the DEIR is not required.

OVSD2-10 The commenter states that only the new project components were quantified in the air quality impact analysis and that this is a conservative analysis. In response to this comment and due to the release of the CalEEMod emissions model, additional air quality modeling was performed to present the most accurate estimate of both the project component emissions and the combination of the proposed project components and the retained land uses on the project site.

In order to accurately evaluate the significance of the environmental effect of the project, the CalEEMod model was utilized to determine the emissions that would occur during operation of the proposed project's development components (new uses that would be developed at the project site). Refer to Response OVSD2-9 above, regarding remodeling of the proposed project using CalEEMod as part of the preparation of this FEIR. The project component's operational emissions estimates are based on the estimated trip generation presented in DEIR Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project) and default values for natural gas use, area source emissions, and vehicle emission factors specific to proposed land uses were used in the CalEEMod model. The results of the new model for the daily operational emissions of the proposed project's components have been incorporated into the DEIR beginning on DEIR page 4.2-20 as follows:

> The analysis of daily operational emissions from the proposed project has been prepared utilizing the ~~URBEMIS 2007~~CalEEMod computer model recommended by the SCAQMD. The results of the ~~URBEMIS 2007~~CalEEMod calculations for the daily operational emissions of the proposed project's components are

presented in Table 4.2-~~5~~6 (Proposed Project ~~Net~~Components Daily Operational Emissions [CalEEMod]) (refer to Appendix A for ~~URBEMIS 2007~~CalEEMod outputs). The emissions shown below reflect the ~~net increase in~~operational emissions ~~anticipated by implementation of the~~ associated with proposed ~~project~~development compared to the SCAQMD's operational thresholds.

Table 4.2-~~5~~6 Proposed Project ~~Net~~Components Daily Operational Emissions (CalEEMod)

Emissions Source	Emissions in Pounds per Day[a]					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Water and Space Heating (Natural gas)	0.~~20~~15	~~2.59~~1.28	~~1.21~~0.73	0.~~00~~01	0.10	0.10
Landscape Maintenance	0.~~37~~72	0.~~06~~27	~~4.64~~23.46	0.00	0.~~02~~13	0.~~02~~13
Consumer Products	~~12.74~~10.40	=	=	=	=	=
Architectural Coatings	~~0.36~~1.32	=	=	=	=	=
Motor Vehicles	~~21.06~~13.17	28.~~60~~94	~~240.41~~109.23	0.~~34~~23	~~57.01~~25.28	~~11.01~~1.57
Maximum Daily Emissions	***~~34.73~~25.76***	***~~31.25~~30.49***	***~~246.26~~133.42***	***0.~~34~~24***	***~~57.03~~25.51***	***~~11.03~~1.8***
SCAQMD Thresholds (lb/day)	55.00	55.00	550.00	150.00	150.00	55.00
Significant Impact	No	No	No	No	No	No

SOURCE: ~~PBS&J 2010~~Atkins (2011) (calculation sheets are provided in Appendix A).

a. ~~Assumes no natural gas fireplaces.~~Assumes the implementation of all BECSP EIR mitigation measures.

As shown in revised DEIR Table 4.2-6 (Proposed Project Components Daily Operational Emissions [CalEEMod]), the operation of the proposed project would not result in the emissions of criteria pollutants above the thresholds established by the SCAQMD, and impacts would be considered less than significant, consistent with what was present in the DEIR.

Further, and in response to this comment, the combined operational emissions of the retained land uses and the project's components were modeled and compared to the existing land uses on the project site for informational purposes only as this is not required by CEQA. The results of this comparison have been included on DEIR page 4.2-21, as follows:

> The Existing Plus Project analysis represents the incremental change in emissions from the project components compared to the uses currently occupying the project site. Table 4.2-7 (Proposed Project Net Daily Operational Emissions [CalEEMod]) summarizes the existing project site operational emissions (includes all existing development on the project site), the estimated proposed project site operational emissions (includes proposed project components and retained land uses), and the net change in operational emissions with implementation of the proposed project. Because the proposed project would replace some existing land uses with new land uses, while other existing uses would be retained onsite, emissions from the project site would increase for some pollutants and decrease for others. Operation of the proposed project site development would result in higher levels of VOCs, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ emissions, while it would produce lower emissions of CO compared to the existing site development.

Table 4.2-7 Proposed Project Net Daily Operational Emissions (CalEEMod)

Emissions Source	Emissions in Pounds per Day					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Existing Operational Emissions	54.95	96.83	417.60	0.53	58.19	4.11
Project + Retained Uses Operational Emissions	55.64	97.62	359.70	0.68	79.96	5.43
Project Increment	***0.69***	***0.79***	***-57.9***	***0.15***	***21.77***	***1.32***

SOURCE: Atkins (2011) (calculation sheets are provided in Appendix A).

With the revised analysis, all existing development on the site, including those that would be removed with implementation of the proposed project were factored into this analysis and no impact would result. As such, no further analysis or response is required.

OVSD2-11 The commenter is correct in stating that DEIR Table 4.2-4 (Estimated Daily Peak Construction Emissions in Pounds per Day) fails to identify the significant impact that would occur in 2013 for VOC emissions during construction of Phase 1. As previously discussed in Response OVSD2-9 and Response OVSD2-10, due to the release of the CalEEMod emissions model, additional air quality modeling was performed to present the most accurate estimate of both construction and operational emissions that would result from implementation of the proposed project. The results of the revised construction emissions model are presented in revised Table 4.2-4, which is now numbered as Table 4.2-5 (Estimated Daily Peak Construction Emissions in Pounds per Day [CalEEMod]).

Table 4.2-5 Estimated Daily Peak Construction Emissions in Pounds per Day (CalEEMod)

Emissions Source	Peak Day Emissions in Pounds per Day					
	VOC	NO_X	CO	SO_X	PM_{10}[a]	$PM_{2.5}$[a]
2012 – PHASE 1 (DEMOLITION/ GRADING/TRENCHING/BUILDING CONSTRUCTION)						
Exhaust	10.55	84.85	49.01	0.07	5.74	4.28
Fugitive Dust	0.00	0.00	0.00	0.00	10.96	3.68
Maximum Daily Emissions	***10.55***	***84.85***	***49.01***	***0.07***	***16.7***	***7.96***
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Significant Impact?	No	No	No	No	No	No
2013 – PHASE 1 (PAVING/BUILDING CONSTRUCTION/ARCHITECTURAL COATINGS)						
Exhaust	219.71	48.56	49.86	0.09	5.55	2.77
Fugitive Dust	0.00	0.00	0.00	0.00	2.74	0.49
Maximum Daily Emissions	***219.71***	***48.56***	***49.86***	***0.09***	***8.29***	***3.26***
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Significant Impact?	**Yes**	No	No	No	No	No

Table 4.2-5 Estimated Daily Peak Construction Emissions in Pounds per Day (CalEEMod)

Emissions Source	Peak Day Emissions in Pounds per Day					
	VOC	NO_X	CO	SO_X	PM_{10}[a]	$PM_{2.5}$[a]
2015 – PHASE 2 (DEMOLITION/ EXCAVATION/GRADING/TRENCHING/BUILDING CONSTRUCTION)						
Exhaust	9.37	74.27	44.27	0.09	3.37	3.46
Fugitive Dust	0.00	0.00	0.00	0.00	9.57	3.69
Maximum Daily Emissions	***9.37***	***74.27***	***44.27***	***0.09***	***12.94***	***7.15***
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Significant Impact?	No	No	No	No	No	No
2016 – PHASE 2 (BUILDING CONSTRUCTION)						
Exhaust	6.28	37.03	43.44	0.09	2.01	1.98
Fugitive Dust	0.00	0.00	0.00	0.00	2.74	0.07
Maximum Daily Emissions	***6.28***	***37.03***	***43.44***	***0.09***	***4.75***	***5.05***
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Significant Impact?	No	No	No	No	No	No
2017 – PHASE 2 (BUILDING CONSTRUCTION/ARCHITECTURAL COATING)						
Exhaust	82.21	33.77	41.46	0.09	1.8	1.76
Fugitive Dust	0.00	0.00	0.00	0.00	2.74	0.07
Maximum Daily Emissions	***82.21***	***33.77***	***41.46***	***0.09***	***4.54***	***1.83***
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Significant Impact?	**Yes**	No	No	No	No	No

SOURCE: Atkins (2011) (calculation sheets are provided in Appendix A)
Assumes the implementation of all BECSP EIR mitigation measures.

As the CalEEMod modeling provided new, more accurate results than the URBEMIS modeling, the following text on DEIR page 4.2-16 has been revised:

> Because of the construction time frame and the normal day-to-day variability in construction activities and the on-site mobility of certain construction vehicles, it is difficult to precisely quantify the daily emissions associated with each phase of the proposed construction activities. Nonetheless, Table 4.2-~~4~~5 (Estimated Daily Peak Construction Emissions in Pounds per Day [CalEEMod]) identifies daily emissions that are estimated to occur on peak construction days. These calculations assume that mitigation measures BECSP MM4.2-1 through BECSP MM4.2-14 have been implemented to reduce construction related emissions, and utilized the default construction equipment values in the CalEEMod Model. Therefore, the daily emissions presented in Table 4.2-~~4~~5 account for the maximum daily emissions of potential construction activities that would occur during any given construction stage.
>
> As shown, construction-related daily emissions would exceed SCAQMD significance thresholds in the year 201~~5~~3 for ~~PM_{10} and $PM_{2.5}$~~VOCs during ~~grading activities~~architectural coating associated with Phase ~~2~~1 of the proposed project.

~~This is primarily due to the daily export of approximately 4,000 cubic yards of soil that~~ The threshold for VOCs would also be ~~required for excavation of the below grade parking level~~exceeded in 2017 during the architectural coating phase associated with ~~this~~ Phase 2 of the proposed project. No other criteria pollutant would exceed the SCAQMD significance thresholds during the project's construction.

Based on the more accurate CalEEMod modeling, the proposed project would still exceed the SCAQMD thresholds for VOCs during both the year 2013 and the year 2017 during the architectural coating phase. However, the previously identified PM_{10} and $PM_{2.5}$ exceedance would not occur. This is due to the CalEEMod model utilizing more accurate data than the URBEMIS model. For the grading phase, the CalEEMod model determines the acreage graded based upon on construction equipment ability (i.e., maximum acres a piece of equipment can pass over land in an 8-hr day) from Walker's Building Estimator's Reference Book. Grading in URBEMIS is based on 25 percent of total project acreage in one day. Therefore, the amount of estimated fugitive dust is reduced from the URBEMIS model outputs. The construction activities associated with the proposed project would still result in a significant and unavoidable impact for a criteria pollutant, similar to the analysis provided in the DEIR. Mitigation measures BECSP MM4.2-12 through BECSP MM4.2-14 would reduce the emission of VOCs during the architectural coating phases of the project, but not to levels below the SCAQMD threshold. The VOC levels reported in the DEIR were identified above the SCAQMD threshold, and as such, the severity of this impact would not increase. No further analysis or response is required.

OVSD2-12 The comment indicates that, (1) the land uses in the URBEMIS model do not match the project description, (2) a user defined category of Commercial General use used for 11 acres, (3) the URBEMIS trip rates were modified from the default, (4) the URBEMIS model runs did not use the mixed-use category, and (5) natural gas fireplaces were adjusted from the URBEMIS default of 85 percent to 0 percent.

As previously discussed, the construction and operational emissions were remodeled using the CalEEMod emissions model in order to obtain more accurate emissions that would result from implementation of the proposed project. The land uses that were utilized in the CalEEMod model and the respective trip generation rates were based on the estimated trip generation presented in DEIR Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project). Specifically, the CalEEMod land uses that were utilized included, 279 dwelling units (modeled as mid-rise apartments), 29,600 sf of retail uses (modeled as strip mall), and 6,000 sf of restaurant uses (modeled as high-turnover restaurant). The CalEEMod model does not provide for a mixed-use category and recommends that the land uses and trip generation rates match the traffic study prepared for the project. The City has determined that due to the apartment nature of the proposed residential uses fireplaces would not be included as part of the proposed development. As such, the default values were changed to reflect that no residential unit would have a natural

gas fireplace. This circumstance will be included as a condition of approval of the proposed project, if necessary. However, this is not a CEQA or mitigation measure issue.

As previously discussed, the daily emissions resulting from the operation of the proposed project are presented in Table 4.2-6 (Proposed Project Components Daily Operational Emissions [CalEEMod]). As shown in Table 4.2-6, operation of the proposed project would not exceed any SCAQMD threshold. No further analysis or response is required.

OVSD2-13 The comment states that project emissions should be broken down by project component (residential, commercial, and restaurant). The project's emissions are presented by source of emissions in the CalEEMod outputs included as updated Appendix A. The operational emissions for CalEEMod are presented by the following categories; Water and Space Heating (Natural gas), Landscape Maintenance, Consumer Products, Architectural Coatings, and Motor Vehicles. The model does not distinguish the land use for these categories in the output, and in order to present the information in the manner suggested by the commenter, the City would have had to model each land use separately and then combine the results to determine the project's emissions. The emission source presented in Table 4.2-6 (Proposed Project Components Daily Operational Emissions [CalEEMod]) also reflect the categories of emissions identified in the SCAQMD Air Quality Handbook.

The comment also states that the DEIR failed to report the entire project's emissions; however, the proposed project component's operational emissions have been reported in DEIR Table 4.2-5 (Proposed Project Net Daily Operational Emissions) which utilized the URBERMIS air quality model. However, as part of the preparation of the FEIR the proposed project has been remodeled using the CalEEMod air quality model, as described in Response OVSD2-9. Table 4.2-6 (Proposed Project Components Daily Operational Emissions [CalEEMod]) reports proposed project component's operational emissions using CalEEMod. CEQA Guidelines Section 15064(d) require that the lead agency consider direct physical changes in the environment when determining if a project would result in a significant impact. The emissions reported in Table 4.2-6 are an estimate of the proposed project's components emissions, as these uses would be the direct physical change to the environment by introducing new uses to an existing developed site in an urban setting. The above notwithstanding, and as previously described in Response OVSD2-10, the combined operational emissions of the retained land uses and the project's components were modeled and compared to the existing land uses on the project site for informational purposes. The combined emissions are presented in Table 4.2-7 (Proposed Project Net Daily Operational Emissions [CalEEMod]). No further response is required.

OVSD2-14 The comment states that the Localized Significance Threshold (LST) analysis did not take into account the most stringent NO_X standard of 0.1 ppm for the 1-hour averaging period and therefore fails to report a significant impact. While the original analysis did use the older standard, as discussed in previous responses, the air quality analysis has been revised to reflect the new modeling software available (CalEEMod). This revision required an update of the LST impacts as well as criteria pollutant impacts. Further, in updating the analysis the three-year ambient air concentrations were revised to reflect the 2007 to 2009 concentrations rather than the 2006 to 2008 concentrations used in the previous analysis. Refer to Response OVSD2-9. The verified 2009 concentrations were released by the SCAQMD after the original analysis was completed and the DEIR circulated, and are being included in the revised analysis to remain consistent with modeling methodology.

DEIR Table 4.2-6 (Total Construction Emissions and Localized Significance Thresholds CO and NO_X) and Table 4.2-7 (Total Construction Emissions and Localized Significance Thresholds PM_{10} and $PM_{2.5}$) (now Table 4.2-8 and Table 4.2-9) show the revised LST analysis with respect to the most stringent air quality standards for CO, NO_X, PM_{10} and $PM_{2.5}$. As shown, neither the CO nor NO_X emissions result in construction activities exceeding the LST standards, while both the PM_{10} and $PM_{2.5}$ emissions will exceed the regulatory standards. The DEIR reported the LST analysis as significant and unavoidable for PM_{10} and $PM_{2.5}$ and the updated analysis also maintains this significant and unavoidable impact with respect to PM_{10} and $PM_{2.5}$. No change to the significance finding results from the updated modeling and analysis. As such, no further response is required.

Table 4.2-~~6~~8 Total Construction Emissions and Localized Significance Thresholds CO and NO_X

Pollutant and Averaging Time	*Receptor Location*	*Background Air Quality (ppm)*	*Maximum Incremental Project-Related Impact (ppm)*	*Total Impact (Background + Project) (ppm)*	*Most Restrictive Air Quality Standard (ppm)*	*Significant Impact?*
CO, 1-hour	North Residential	5	0.~~0591~~0869	5.~~0591~~0869	20	No
	East Residential	5	0.~~0374~~1016	5.~~0374~~1016	20	No
	South Residential	5	~~0.0442~~0.1311	5.~~0442~~1311	20	No
	West Residential	5	0.~~0575~~0784	5.~~0575~~0784	20	No
	Onsite Residential	5	0.~~1165~~0881	5.~~1156~~0881	20	No
	Liberty Christian School	5	0.03~~6~~48	5.03~~6~~48	20	No
	Oakview Elementary	5	0.~~0215~~0689	5.~~0215~~0689	20	No
	Ocean View School	5	0.~~0209~~0472	5.~~0209~~0472	20	No
CO, 8-hour	North Residential	3.1	0.03~~2~~57	3.1~~3~~~~2~~57	9	No
	East Residential	3.1	0.~~0088~~0567	3.~~1088~~1567	9	No
	South Residential	3.1	0.~~0186~~0913	3.~~1186~~1913	9	No
	West Residential	3.1	0.~~0319~~0284	3.~~1319~~1284	9	No

Table 4.2-~~6~~8 Total Construction Emissions and Localized Significance Thresholds CO and NO_X

Pollutant and Averaging Time	*Receptor Location*	*Background Air Quality (ppm)*	*Maximum Incremental Project-Related Impact (ppm)*	*Total Impact (Background + Project) (ppm)*	*Most Restrictive Air Quality Standard (ppm)*	*Significant Impact?*
NO_2, 1-hour	Onsite Residential	3.1	0.~~07820~~0457	3.~~17821~~1457	9	No
	Liberty Christian School	3.1	0.~~00760~~0146	3.~~10761~~1146	9	No
	Oakview Elementary	3.1	0.~~00480~~0152	3.~~10481~~1152	9	No
	Ocean View School	3.1	0.~~00360~~0081	3.~~10361~~1081	9	No
	North Residential	0.~~1~~008	0.~~00200~~0053	0.~~10200~~0853	0.~~18~~10	No
	East Residential	0.~~1~~008	0.~~00160~~0078	0.~~10160~~0878	0.~~18~~10	No
	South Residential	0.~~1~~008	0.~~00150~~0080	0.~~10150~~0880	0.~~18~~10	No
	West Residential	0.~~1~~008	0.~~00200~~0048	0.~~10200~~0848	0.~~18~~10	No
	Onsite Residential	0.~~1~~008	0.009~~50~~	0.~~10500~~0895	0.~~18~~10	No
	Liberty Christian School	0.~~1~~008	0.~~00350~~0126	0.~~10350~~0926	0.~~18~~10	No
	Oakview Elementary	0.~~1~~008	0.~~00210~~0169	0.~~10210~~0969	0.~~18~~10	No
	Ocean View School	0.~~1~~008	0.~~00470~~0177	0.~~10470~~0977	0.~~18~~10	No
NO_2, Annual	North Residential	0.013	0.000~~34644~~4458	0.01~~484~~3~~64~~58	0.03	No
	East Residential	0.013	0.~~00005490~~0014216	0.~~0145549~~0146216	0.03	No
	South Residential	0.013	0.~~00015350~~0017228	0.~~0146535~~0149228	0.03	No
	West Residential	0.013	0.000~~18753~~3679	0.01~~4687535~~679	0.03	No
	Onsite Residential	0.013	0.~~00125730~~0009697	0.~~0157573~~0141697	0.03	No
	Liberty Christian School	0.013	0.~~00008340~~0002997	0.01~~458~~34997	0.03	No
	Oakview Elementary	0.013	0.000~~05183~~3719	0.01~~4551835~~713	0.03	No
	Ocean View School	0.013	0.000~~04032~~2407	0.01~~4540334~~407	0.03	No

SOURCE: ~~PBS&J 2010~~ Atkins 2011; AERMOD, Localized Significance Threshold Methodology (calculation data sheets provided in Appendix A)

Table 4.2-~~7~~9 Total Construction Emissions and Localized Significance Thresholds PM_{10} and $PM_{2.5}$

Pollutant and Averaging Time	*Receptor Location*	*Maximum Incremental Project Related Impact (µg/m³)*	*Most Restrictive Air Quality Standard (µg/m³)*	*Significant Impact?*
PM_{10}, 24-hour	North Residential	~~347.91489~~11.41579	10.4	**Yes**
	East Residential	~~812.2711~~27.10562	10.4	**Yes**
	South Residential	~~1,227.6561~~41.08749	10.4	**Yes**
	West Residential	~~1,227.6561~~13.96581	10.4	**Yes**
	Onsite Residential	~~522.3466~~17.65734	10.4	**Yes**
	Liberty Christian School	~~201.21873~~8.43127	10.4	~~**Yes**~~No
	Oakview Elementary	~~191.49565~~9.25101	10.4	~~**Yes**~~No
	Ocean View School	~~107.50422~~3.28058	10.4	~~**Yes**~~No
PM_{10}, Annual	North Residential	~~74.26080~~2.97063	1.0	**Yes**
	East Residential	~~256.63290~~9.77213	1.0	**Yes**
	South Residential	~~347.93747~~13.13243	1.0	**Yes**
	West Residential	~~347.93747~~2.64320	1.0	**Yes**
	Onsite Residential	~~135.41505~~5.33163	1.0	**Yes**
	Liberty Christian School	~~17.32166~~0.70165	1.0	~~**Yes**~~No
	Oakview Elementary	~~19.24685~~0.81042	1.0	~~**Yes**~~No
	Ocean View School	~~8.44650~~0.30822	1.0	~~**Yes**~~No
$PM_{2.5}$, 24-hour	North Residential	~~49.28412~~4.73320	10.4	~~**Yes**~~No
	East Residential	~~121.64883~~11.38898	10.4	**Yes**
	South Residential	~~203.19781~~16.93460	10.4	**Yes**
	West Residential	~~203.19781~~5.57170	10.4	~~**Yes**~~No
	Onsite Residential	~~80.67035~~7.42543	10.4	~~**Yes**~~No
	Liberty Christian School	~~15.64122~~5.24472	10.4	~~**Yes**~~No
	Oakview Elementary	~~21.09180~~5.55480	10.4	~~**Yes**~~No
	Ocean View School	~~10.61215~~1.27846	10.4	~~**Yes**~~No
$PM_{2.5}$, Annual	North Residential	~~15.55095~~1.40891	1.0	**Yes**
	East Residential	~~53.73774~~4.50042	1.0	**Yes**
	South Residential	~~72.85510~~6.01478	1.0	**Yes**
	West Residential	~~72.85510~~1.22885	1.0	**Yes**
	Onsite Residential	~~28.35608~~2.50548	1.0	**Yes**
	Liberty Christian School	~~3.62740~~0.33515	1.0	~~**Yes**~~No
	Oakview Elementary	~~4.03049~~0.39538	1.0	~~**Yes**~~No
	Ocean View School	~~1.76867~~0.13812	1.0	~~**Yes**~~No

SOURCE: ~~PBS&J 2010~~Atkins 2011; AERMOD, Localized Significance Threshold Methodology (calculation data sheets provided in Appendix A)

OVSD2-15 The comment states that the mitigation reductions used in the URBEMIS model were modified with no justification. As previously described, the construction and operational emissions for the proposed project were remodeled using the CalEEMod emission model. However, in both the URBEMIS and the CalEEMod model, the fugitive dust mitigation measures were incorporated into the model consistent with those identified in mitigation measure BECSP MM4.2-5. These measures include watering the disturbed soil three times daily, application of soil stabilizers to inactive construction areas, watering of all unpaved haul roads three times daily, reduction of vehicle speeds on unpaved roads to 15 miles per hour, etc. Further, mitigation measure BECSP MM 4.2-12 requires that non-residential architectural coatings have a VOC rating of 125 grams per liter or less. These mitigation measures have been recommended by the SCAQMD to reduce fugitive dust and VOC emissions. The incorporation of these reduction measures was identified on DEIR page 4.2-16, which states, "These calculations assume that mitigation measures BECSP MM4.2-1 through BECSP MM4.2-14 have been implemented to reduce construction related emissions." The mitigation measures are clearly detailed on DEIR pages 4.2-18 and 4.2-19. Therefore, the DEIR accurately described the mitigation measures that were incorporated into the URBEMIS model and these mitigation measures were carried over into the CalEEMod model. No further analysis or response is required.

OVSD2-16 The commenter states that the BECSP, and therefore project, was not considered in the 2007 AQMP and the impact is therefore potentially significant. Refer to Response OVSD2-6 regarding the tiering of project EIRs from a Program EIR. As stated on DEIR page 4.2-15, "The BECSP EIR identified that full build-out of the BECSP would result in a total population increase of 12,015 residents, which was within the SCAG population projection for 2030." As the AQMP is based upon the projections found in the Growth Management chapter of SCAG's Regional Comprehensive Plan and Guide (RCPG), and the population increase resulting from full build out of the BECSP would be within SCAG's 2030 population projections, the 745 residents that would occupy the project site at full build-out of the proposed have been accounted for in the BECSP population estimate and the proposed project would not conflict or obstruct implementation of the AQMP. Rather, because the proposed project would provide for an increase in density and reduce vehicle miles traveled than would occur without the proposed project, the project complements and enhances the goals and strategies of the AQMP. No further response is required.

OVSD2-17 The commenter suggests that mitigation measures BECSP MM4.4-2(b) and MM4.4-3(b) identified to mitigate potentially significant impacts related to cultural resources are inadequate because persons present during construction would be unable to identify cultural resources. The mitigation measures provided to address impacts to cultural resources are included as part of the certified BECSP EIR. No comments regarding the adequacy of cultural resource mitigation were received on the BECSP EIR. As the mitigation measures are part of the adopted BECSP EIR,

and the proposed project is included under the purview of the BECSP EIR, no further revision to the referenced mitigation measure is required.

Further, the actions proposed in these mitigation measures are standard industry practices. As it is not practice to have a qualified archeologist or paleontologist at every construction site for every day of a construction phase, it is common to have construction workers watch for evidence of previously unknown cultural resources and halt construction if something unexpected is discovered. The mitigation measure does not suggest that a construction worker has to be able to analyze the discovery, but rather requires the construction worker to contact the necessary parties. Additionally, the project site is not known to have a wealth of subsurface resources so more stringent mitigation measures are not practical or required. No further analysis or response is required.

OVSD2-18 The comment states that the DEIR does not define applicable regulations that support the conclusion that the proposed project would result in a less than significant impact related to seismic hazards, referencing the following sentence from DEIR page 4.5-6 and page 4.5-7:

> In light of the strict regulations in place to control development of structures in a seismically active region, and the incorporation of project-specific design recommendations into the project's grading plan, the project's impact due to exposure to seismically induced groundshaking, and seismic-related ground failure would be ***less than significant***.

However, immediately preceding the above referenced sentence within the same paragraph of the DEIR, the following text is included:

> Impacts associated with seismic hazards would be addressed through adherence to applicable regulations including the City of Huntington Beach Building Code, which has adopted the 2007 CBC, the Grading and Excavation Code, and State requirements pertaining to geologic, soil and seismic hazards. Additionally, as required by mitigation measure BECSP MM4.5-1, a soils and geotechnical report would be prepared for the proposed project. The design, grading, and structural recommendations of this report would be incorporated into the project's grading plan.

As such, the applicable regulations and mitigation that would lead to a less than significant impact finding related to seismic hazards have been adequately referenced and described in the DEIR. Additionally, DEIR Section 4.5.2 (Regulatory Framework) indicates that a discussion of applicable regulations can be found in BECSP EIR Section 4.5.2, contrary to the comment. Accordingly, no further response to this comment is required.

The commenter also states that geological and soil impacts cannot be determined to be less than significant until a grading plan, as required by code requirement BECSP CR4.5-1 and mitigation measure BECSP MM4.5-1 have been completed. However, the commenter's conclusion is incorrect. As described in mitigation measure BECSP MM4.5-1, the grading plan would contain the recommendations of a site-specific

soils and geotechnical report that would mitigate potential geological and soil related impacts. Issuance of a grading permit would be dependent on the approval of the grading plan, among other City requirements. As such, it is appropriate to conclude that geological and soil related impacts of the proposed project would be mitigated to a less than significant level prior to issuance of a grading permit and construction of the proposed project. No further response is required.

OVSD2-19 In response to this comment all references to Lerdy Crandall and Associates have been revised to read Leroy Crandall and Associates. This revision has been made on the following pages:

On DEIR page 4.5-1

> Data used to prepare this section were taken primarily from the Report on Foundation Investigation Proposed Mola Office Complex prepared for the proposed project site by ~~Lerdy~~Leroy Crandall and Associates[5] …
>
> ---
>
> [5] ~~Lerdy~~Leroy Crandall and Associates, *Report of Foundation Investigation Proposed Mola Office Complex*, Beach Boulevard and Warner Avenue, Hunting Beach, California for the Mola Development Corporation (April 8, 1981). While this report was prepared some time ago for the existing commercial uses on site, geologic conditions do not change over short periods of time. Therefore, information from this report is provided here for reference and to supplement additional, more recent information available.

On Draft EIR page 4.5-2

> A soil investigation performed for the project site in 1981 by ~~Lerdy~~Leroy Crandall and Associates encountered shallow fill soils ranging up to three feet in thickness. …

On Draft EIR page 4.7-2

> Figure EH-3 of the City of Huntington Beach General Plan shows that the depth to groundwater at the project site is approximately 10 to 30 feet below ground surface (bgs), consistent with the findings of a Foundation Investigation prepared for the proposed project site in 1981 by ~~Lerdy~~Leroy Crandall and Associates, which encountered groundwater at depths of 19 to 27 feet bgs.[16]
>
> ---
>
> [16] ~~Lerdy~~Leroy Crandall and Associates, *Report on Foundation Investigation Proposed MOLA Office Complex* (April 14, 1981).

On Draft EIR page 4.7-6

> As shown in Figure EH-3 of the City of Huntington Beach General Plan, depth to groundwater at the proposed project site is approximately 10 to 30 feet bgs, which is consistent with the findings of a Foundation Investigation prepared for the proposed project site in 1981 by ~~Lerdy~~Leroy Crandall and Associates, which encountered groundwater was at depths of 19 to 27 feet bgs.[19] …
>
> ---
>
> [19] ~~Lerdy~~Leroy Crandall and Associates, *Report on Foundation Investigation Proposed MOLA Office Complex* (April 14, 1981).

On Draft EIR page 4.7-13

~~Lerdy~~Leroy Crandall and Associates~~,~~, *Report on Foundation Investigation Proposed MOLA Office Complex*, April 14, 1981.

OVSD2-20 Although an analysis of natural gas pipelines is not standard practice when a site is not in the immediate vicinity of a school site, in response to the commenter's requests to evaluate natural gas pipelines within the proposed project area, the following text and figure have been added to DEIR page 4.6-6:

Natural gas pipelines located within 1,500 feet could pose a risk to the project site if an accident or an explosion were to occur. The closest natural gas pipeline is located approximately 1 mile west of the proposed project site, running within Goldenwest Street. This pipeline transports gas from supply points to the gas distribution system and operates at pressures above 200 pounds per square inch (psi).[11a] In addition, there are pipelines within Bolsa Avenue approximately 2 miles north of the project site and along Garfield Avenue approximately 2.5 miles south of the project site. These pipelines operate at pressures above 60 psi and deliver gas in smaller volumes to the lower pressure distribution system running.[11b] Figure 4.6-1 (Natural Gas Pipeline Map) shows the location of these pipelines relative to the proposed project site. There are no natural gas pipelines located underground or above ground within 1,500 feet of the proposed project site.[11c] The potential impacts associated with a natural gas pipeline within 1,500 feet of the proposed project site would be less than significant levels.

[11a] Southern California Gas Company. Gas Transmission and High Pressure Distribution Pipeline Interactive Map-Orange. http://www.socalgas.com/safety/pipeline-maps/orange.shtml (accessed August 21, 2011).

[11b] Southern California Gas Company. Gas Transmission and High Pressure Distribution Pipeline Interactive Map-Orange. http://www.socalgas.com/safety/pipeline-maps/orange.shtml (accessed August 21, 2011).

[11c] Southern California Gas Company. Gas Transmission and High Pressure Distribution Pipeline Interactive Map-Orange. http://www.socalgas.com/safety/pipeline-maps/orange.shtml (accessed August 21, 2011).

And a new figure, Figure 4.6-1 (Natural Gas Pipeline Map), has been added to DEIR page 4.6-7.

OVSD2-21 The commenter states that surveys for asbestos, lead, or other hazardous materials in buildings proposed for demolition should have been conducted as part of the DEIR in order to adequately address potential impact. It is important to note that the purpose of the CEQA process and hazards analysis is to identify the potential impacts of the proposed project, not necessarily remove materials that may create the impact. Further, it is not a requirement during the CEQA process to prepare these surveys to identify the presence of asbestos and lead; but rather to ensure that the materials are identified (or their absence is confirmed) before they would be disturbed by demolition or construction activities. Mitigation measure BECSP MM4.6-1 requires preparation of an ESA to provide for the identification of hazardous materials on the project site and requires a closure report to be submitted and approved by the HBFD prior to issuance of a grading permit, thereby satisfying

the CEQA requirement. This is not deferral of mitigation as implementation of mitigation measure BECSP MM4.6-1 would reduce the proposed project's potential impacts to a less than significant level prior to activities that might disturb these hazardous materials. Additionally, no comments were received on the adequacy of this mitigation measure during certification of the BECSP EIR. As construction of the project is dependent on the issuance a grading permit, impacts related to hazardous materials would be adequately addressed and no further response is required.

OVSD2-22 The commenter states that in order to make a less than significant impact finding related to stormwater, Best Management Practices (BMPs) that would be implemented as part of the proposed project must be summarized and a description of how implementation of these BMPs would minimize impacts must be described in the DEIR.

Potential impacts related to stormwater would be addressed through implementation of mitigation measure BECSP MM4.7-1 which requires the proposed project to develop a site-specific Water Quality Management Plan (WQMP) prepared by a Licensed Civil Engineer, and submitted for review and acceptance prior to the issuance of a Precise Grading or Building permit. A preliminary WQMP has been prepared for the proposed project site since the preparation of the DEIR. As required by mitigation measure BECSP MM4.7-1, the preliminary WQMP includes BMPs designed in accordance with the Municipal NPDES Permit, Model WQMP, Technical Guidance Documents, DAMP, and City of Huntington Beach LIP, as well as those required by the City of Huntington Beach Public Works Department. Additionally, the preliminary WQMP includes site design and source control BMPs, as well as LID principles to reduce runoff to a level consistent with the maximum extent practicable and treatment control BMPs in the WQMP. As construction of the proposed project is dependent on the issuance of a Precise Grading permit which requires the submission, review and acceptance of the site-specific WQMP, mitigation measure BECSP MM4.7-1 adequately mitigates potential storm water impacts. No further summary or description of BMPs is required to find storm water impacts to be less than significant. No further response is required.

OVSD2-23 The commenter states that the project's potential to interfere with nearby water supplies as a result of dewatering activities is a potentially significant impact and that mitigation measure BECSP MM4.7-2 is considered to be deferred mitigation.

It is important to note that the purpose of the Groundwater Hydrology Study is to identify the need for dewatering activities at the time of construction of the proposed project. As groundwater levels fluctuate, it is prudent to prepare site specific studies at the time of plan preparation and permit application. Further, it is not a requirement during the CEQA process to prepare these studies, but rather to identify potential issues before they are encountered during demolition or construction activities and to identify the appropriate measures to reduce the impact (per

mitigation measure BECSP MM4.7-2). Mitigation measure BECSP MM4.7-2 requires preparation of a Groundwater Hydrology Study to provide recommendations on whether permanent groundwater dewatering is feasible within the constraints of a safe pumping level and requires the approval of permanent groundwater dewatering by the City Director of Public Works, OCWD, and other regulatory agencies, thereby satisfying the CEQA requirement. This is not deferral of mitigation as implementation of mitigation measure BECSP MM4.7-2 would reduce the proposed project's potential impacts to a less than significant level. Additionally, this mitigation measure has been taken directly from the BECSP Program EIR and no comments were received on the adequacy of this mitigation measure during certification of the BECSP EIR. As construction of the project is dependent on approval from the appropriate regulatory agencies, impacts related to dewatering would be adequately addressed and no further response is required.

OVSD2-24 As requested by the commenter, the following reference has been provided on DEIR page 4.9-3:

> … The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.[20a]
>
> _____
>
> [20a] Harris Miller Miller & Hanson Inc., *Transit Noise and Vibration Impact Assessment, Final Report* (May 2006).

OVSD2-25 This comment states that noise readings that reflect existing baseline conditions were not taken at sensitive noise receptors in the vicinity of the proposed project. The DEIR utilized noise measurements recorded for the BECSP EIR in 2008, as the existing baseline noise conditions have not changed substantially since preparation of the BECSP EIR. The location of these measurements is identified on DEIR Figure 4.9-1 (Noise Monitoring Locations). Although only one of the noise monitoring locations was located in the immediate vicinity of the project site (across Beach Boulevard from the southern portion of the project site), these noise measurements were determined to adequately represent urban noise levels in the surrounding area.

However, in response to this comment, additional noise measurements were taken at six locations in the surrounding residential neighborhoods, identified on new Figure 4.9-1a (2011 Noise Monitoring Locations) presented in FEIR Section 9.3 (Figure Changes), in order to confirm existing (2011) ambient noise levels in the residential neighborhoods adjacent to the project site. The results of these measurements have been included in Table 4.9-2a (2011 Existing Ambient Noise Levels) provided below. The average noise levels at the additional six noise monitoring locations ranged from 54.0 to 66.6 dBA, similar to, but slightly less than the average noise level at the noise monitoring locations included as the baseline for noise analysis in the DEIR that ranged from 56.7 to 69.7 dBA. Additionally, existing (2011) noise levels on Ash Street and Cypress Avenue, both roadways that buffer the project site from the surrounding residential neighborhood, have been provided in

Table 4.9-3a (Existing Roadway Noise Levels along Ash Street and Cypress Street) provided below. Average noise levels on Ash Street and Cypress Street are 50.7 dBA and 48.3 dBA, which is substantially less than the average noise level occurring on roadways included in the DEIR that ranged from 70.2 to 71.3 dBA, and used as the baseline for the noise analysis. Since noise levels at the additional noise monitoring locations were less than those used as the baseline for the noise analysis provided in the DEIR, noise impacts identified in DEIR would be slightly reduced, but would remain less than significant. Therefore, existing noise conditions provided in the DEIR were conservative and appropriately addressed existing noise levels at sensitive receptors in the vicinity of the proposed project. The following text changes have been made to incorporate the additional noise analysis:

On DEIR page 4.9-4, under Table 4.9-2 (Existing Ambient Noise Levels in Proposed Project Vicinity):

> The closest noise-sensitive receptors to the project site would be the residential uses located to the west of the site across Elm Street, the residential uses located to the west of the project site across Ash Street and Sycamore Street, and the residential uses to the south and west across Elm Street and Cypress Avenue. These residential uses are approximately 75 feet from the project site. Additional noise measurements were taken on July 14, 2011, in the surrounding residential neighborhoods to confirm the ambient noise levels in the neighborhood adjacent to the proposed project site. The results of these measurements are shown in Table 4.9-2a (2011 Existing Ambient Noise Levels). Figure 4.9-1a (2011 Noise Monitoring Locations) illustrates the location of the 2011 noise measurements in the adjacent neighborhoods. As shown in Table 4.9-2a, noise levels range between 54.0 and 66.6 dBA, with peaks up to 79.0 dBA, typical of an urban area adjacent to high-volume arterials such as Beach Boulevard and Warner Avenue (refer to Table 4.9-1 above for typical noise levels in an urban area).

Table 4.9-2a 2011 Existing Ambient Noise Levels

	Location	Primary Noise Sources	Noise Level Statistics		
			L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)
1a	7851 Southlake Dr	Traffic	66.2	51.9	76.5
2a	17031 Ash Lane	Traffic on Ash	59.9	48.5	73.4
3a	7852 Sycamore Dr	Traffic on Sycamore Dr	54.0	48.4	67.7
4a	17091 Elm Lane	Traffic on Elm Lane	56.0	49.0	72.8
5a	7922 Cypress Dr	Traffic on Cypress Dr	58.4	48.8	72.7
6a	17101 A St (in alley)	Traffic on Beach Blvd	66.6	57.0	79.0

SOURCE: Atkins (2011).

On DEIR page 4.9-5, under Table 4.9-3 (Existing Roadway Noise Levels along Ash Street and Cypress Street):

> Two local roadways immediately adjacent to the project could be affected by the proposed project, as project trips will have direct access to the parking garages via

Ash Street and Cypress Avenue. The existing roadway noise levels for these local streets are shown in Table 4.9-3a (Existing Roadway Noise Levels along Ash Street and Cypress Street). Existing roadway noise levels on Ash Street, south of Warner Avenue, and Cypress Street, west of Beach Boulevard, are 50.7 dBA and 48.3 dBA, respectively. As shown, the 24-hour roadway noise levels are typical for urban residential areas (refer to Table 4.9-1 above for typical noise levels in an urban area).

Table 4.9-3a Existing Roadway Noise Levels along Ash Street and Cypress Street

Roadway	*Roadway Segment*	*dBA L_{dn}*
Ash Street	South of Warner	50.7
Cypress Street	West of Beach	48.3

SOURCE: Atkins (2011) (calculation data and results are provided in Appendix Ca).

OVSD2-26 As described in Response OVSD2-25 above, additional noise measurements were taken at six locations in the surrounding neighborhood and on adjacent roadways (Ash Street and Cypress Avenue) to confirm existing ambient noise levels in the neighborhood adjacent to the project site and on adjacent, although less traveled, roadways. In response to the commenter's requests that the noise analysis be revised to use an existing traffic baseline, the following text and table have been added to DEIR page 4.9-16, under Impact 4.9-3:

Two local roadways immediately adjacent to the project could be affected by the proposed project, as project trips will have direct access to the parking garages via Ash Street and Cypress Avenue. In order to determine if the proposed project would result in significant increases in roadway noise levels, the existing roadway noise levels are compared to the noise levels that would occur under existing conditions with the proposed project traffic volumes. The information presented below shows the traffic volumes resulting from the addition of traffic from the proposed project (i.e., mixed-use and residential commercial) to existing traffic conditions.[22a] However, it should be noted that this analysis is hypothetical, because the actual build-out and occupancy of the project is the year 2019. As shown in Table 4.9-8a (Existing Plus Project Roadway Noise Levels along Ash Street and Cypress Street), implementation of the proposed project would result in a decrease in local roadway noise levels as traffic volumes are anticipated to decrease under the hypothetical Existing Plus Project Scenario.

Table 4.9-8a Existing Plus Project Roadway Noise Levels along Ash Street and Cypress Street

Roadway	*Existing 2011*	*With Project 2011*	*Project-Related Increase*	*Significance Threshold1*	*Exceeds Significance Threshold?*
Ash Street	50.7	50.4	-0.3	3.0	No
Cypress Street	48.3	48.0	-0.3	3.0	No

SOURCE: Atkins (2011) (calculation data and results are provided in Appendix Ca).

As shown in Table 4.9-8a (Existing Plus Project Roadway Noise Levels along Ash Street and Cypress Street) and described in the text provided above, Existing Plus Project traffic volumes would result in a decrease in local roadway noise levels as traffic volumes are anticipated to decrease. Accordingly, the Existing Plus Project scenario would result in a reduced less than significant noise impact compared to the Future Plus Project scenario. As such, no further response is required.

OVSD2-27 This comment states that the DEIR did not evaluate the potential impacts of pile driving during construction and consequently noise levels during construction were underestimated.

Although noise generated from pile driving during construction was not previously accounted for in the DEIR, and would generate noise levels up to 103 dBA, construction-related noise impacts would remain at a less than significant level. As described on DEIR page 4.9-11, construction-related noise is exempt under the City's Municipal Code as long as construction noise does not occur between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or at any time on Sunday or a federal holiday. Further, construction related noise is temporary and intermittent in nature and would not generate continuous noise levels above the established standards. Implementation of mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 and adherence to Municipal Code Section 8.40.090(d) would ensure that impacts associated with construction-related noise would be minimized. To further clarify this issue, additional text has been provided on as shown below.

Table 4.9-5 Noise Ranges of Typical Construction Equipment

Construction Equipment	*Noise Levels in dBA L_{eq} at 50 feet*[1]
Front Loader	73–86
Trucks	82–95
Cranes (moveable)	75–88
Cranes (derrick)	86–89
Vibrator	68–82
Saws	72–82
Pneumatic Impact Equipment	83–88
Jackhammers	81–98
Pile Driving (peaks)	95–107
Pumps	68–72
Generators	71–83
Compressors	75–87
Concrete Mixers	75–88
Concrete Pumps	81–85

Table 4.9-5 Noise Ranges of Typical Construction Equipment	
Construction Equipment	***Noise Levels in dBA L_{eq} at 50 feet[1]***
Back Hoe	73–95
Tractor	77–98
Scraper/Grader	80–93
Paver	85–88

SOURCE: USEPA 1971

Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of noise emissions as that shown in this table.

Table 4.9-6 Typical Outdoor Construction Noise Levels			
Construction Phase	***Noise Level at 50 Feet with Mufflers (dBA L_{eq})***	***Noise Level at 75 Feet with Mufflers (dBA L_{eq})***	***Noise Level at 200 Feet with Mufflers (dBA L_{eq})***
Ground Clearing	82	79	70
Excavation/Grading	86	83	74
Pile Driving	107	103	98
Foundations	77	74	65
Structural	83	80	71
External Finishing	86	83	74

SOURCE: USEPA 1971

The noise levels at the off-site sensitive uses were determined with the following equation from the HMMH *Transit Noise and Vibration Impact Assessment, Final Report*: **L_{eq} = L_{eq} at 50 ft. – 20 Log(D/50)**, where L_{eq} = noise level of noise source, D = distance from the noise source to the receiver, $L_{eq\ at\ 50\ ft.}$= noise level of source at 50 feet.

The closest noise sensitive receptors to the project site would be the residential uses located to the west of the site across Elm Street and the residential uses located to the west of the project site across from Ash Street and Sycamore Street, ~~as well as~~ and the residential uses to the south west across from Elm Street and Cypress Avenue. These residential uses are approximately 75 feet from the project site. Based on the information presented in Table 4.9-6, construction activity noise levels at these residential uses would be approximately 83 dBA during the excavation/grading and external finishing phases of the proposed project, and up to 103 dBA if pile-driving activities were to occur. Additionally, the residential uses associated with the Warner Mixed-Use building would be occupied during construction of the Phase 2 development. …

On DEIR page 4.9-12:

Although construction of the proposed project would generate noise levels higher than the 55 dBA exterior limit for residential properties, construction-related noise is exempt under the City's Municipal Code. Further, construction-related noise is temporary and intermittent in nature and would not generate continuous noise levels above the Municipal Code standards. Implementation of mitigation measures BECSP MM4.9-1 through BECSP MM4.9-3 and adherence to Municipal Code Section 8.40.090(d) would ensure that impacts associated with construction-

related noise would be minimized. Therefore, this impact would be ***less than significant***.

OVSD2-28 The commenter suggests that construction noise impacts would be significant and unavoidable even after implementation of mitigation, as construction activities associated with the proposed project would result in an increase of 3 dBA in ambient noise levels, a threshold that the DEIR defines as a significant impact. However, this significant threshold only applies to permanent increases in noise levels, as the City's Municipal Code exempts all construction-related noise that occurs between the hours of hours of 7:00 AM and 8:00 PM on weekdays and Saturday. As such, construction noise impacts would remain less than significant. To further clarify this in the DEIR, the following text has been added to DEIR page 4.9-8:

Human Exposure to Noise

The CEQA Guidelines do not define the levels at which temporary and permanent increases in ambient noise are considered "substantial." As discussed previously in this section, a noise level increase of 3 dBA is barely perceptible to most people, a 5 dBA increase is readily noticeable, and a difference of 10 dBA would be perceived as a doubling of loudness. Based on the noise measurements shown in Table 4.9-2 and Table 4.9-2a, the average ambient noise level in the vicinity of the project area currently ranges from ~~58~~54.0 to ~~72.8~~69.7 dBA L_{eq}. Therefore, for the purposes of this EIR, a~~n~~ permanent increase of 3 dBA in ambient noise levels would be considered a significant impact.

~~Additionally,~~Temporary noise-generating activities, such as noise generated by construction activities, is regulated by the City of Huntington Beach Municipal Code. Construction activities that would occur outside the designated hours established by Section 8.40.090(d) would be potentially significant. Similarly, operational noise resulting from heating ventilation and cooling systems (HVAC), deliveries, special events, and refuse collection are also regulated by the City's Municipal Code, and noise generated by these activities that exceeds the City's established standards would be potentially significant. However, as these activities are regulated by the provisions of the Municipal Code, a significant impact would only occur if the provisions of the City's Noise Ordinance are violated.

Refer also to Response to Comment OVSD2-27.

OVSD2-29 This comment states that DEIR Table 4.9-8 (Current and Future [2030] Roadway Noise Levels in Project Vicinity) should only compare the existing baseline noise levels with the excepted project noise levels. In response, Table 4.9-8a (Existing Plus Project Roadway Noise Levels along Ash Street and Cypress Street) and associated text has been incorporated into the DEIR, and included in Response OVSD2-26, to provide a comparison between existing noise levels on Ash Street and Cypress Street (which buffer the project site from the adjacent residential neighborhoods) and anticipated noise levels on these roadways with the proposed project. As shown in Table 4.9-8a, implementation of the proposed project would result in a decrease in roadway noise levels compared to existing conditions.

OVSD2-30 The comment states that the DEIR incorrectly concludes that operational noise impacts would be less than significant and that the conclusion is not supported with

any data or analysis. The comment specifically refers to a statement made on DEIR page 4.9-13 that states that, "… the retail and commercial uses proposed on Beach Boulevard and Warner Avenue would be a continuation of existing retail and commercial uses at the project site and noise levels generated would not change substantially." However, the DEIR is accurate in stating that retail and commercial uses at the site would continue. Additionally, as discussed under DEIR Impact 4.9-1, the proposed project would result in an intensification of human activity at the project site due to the introduction of a permanent residential population which could increase noise levels at the identified off-site residential receptors. This discussion goes on to state that once operational, noise levels from residential and retail activities on the project site are not anticipated to be greater than the established 60 dBA limit for areas within a commercial zone. In order to better support this analysis, the following information has been incorporated in the EIR.

> The closest off-site residential uses are located approximately 75 feet from the project site. Residential uses are located to the west of the site across Elm Street and Ash Street and to the south across Cypress Avenue. The proposed project would result in an intensification of human activity at the proposed project site with the introduction of a permanent, residential population, the inclusion of a public gathering space, and additional commercial and retail activities. This could increase noise levels at the identified off-site residential receptors. Once operational, noise levels from residential and retail activities on the project site are not anticipated to be greater than the established 60 dBA limit for areas ~~with a commercial zone.~~ within a commercial zone.
>
> Furthermore, the retail and commercial uses proposed on Beach Boulevard and Warner Avenue would be a continuation of existing retail and commercial uses at the project site and noise levels generated would not change substantially. The proposed residential uses are oriented such that courtyards and patios would be internal to the project site, which would shield the residential uses from off-site noise sources. The public gathering space would be situated at the corner of Beach Boulevard and Warner Avenue between the two proposed retail buildings, and would be surrounded on all sides by roadways and commercial uses. The orientation of existing and proposed uses would shield the adjacent residential uses from the minimal noise associated with operation of the proposed project. According to data referenced by the Environmental Protection Agency, normal human conversation produces noise levels of 65 dBA at a distance of approximately 3 feet; therefore, noise levels from human activities would be substantially reduced at the off-site uses to the south and west based on distance. As such, the introduction of new residential uses, the inclusion of a public gathering space, and an intensification of commercial and retail activities would result in a ***less than significant*** impact.

OVSD2-31 The commenter requests that the DEIR include an analysis of the potential for speech interference associated with short-term high-level noise events. However, construction-related noise is exempt under Section 8.40.090(d) (Special Provisions) of Chapter 8.40 of the City's Municipal Code which allows for construction noise in excess of established standards, provided that the Applicant has acquired the proper permit(s) from the City and construction activities do not occur between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or at any time on Sunday

or a federal holiday. Accordingly, no further analysis is required to evaluate construction-related noise impacts and construction-related noise impacts identified for the proposed project would remain less than significant.

Although additional analysis is not required, an explanation as to how noise levels occurring during construction of the proposed project may interfere with speech is provided. Noise levels in excess of established standards occurring during construction of the proposed project may result in situations where normal speech communication is interfered with at the closest off-site receptor locations. As the sound pressure level of an interfering noise increases, people automatically raise their voice to overcome the masking effect upon speech (increase of vocal effort). This imposes an additional strain on the speaker. For example, in quiet surroundings, the speech level at 1 m distance averages 45 to 50 dBA, but is 30 dBA higher when shouting. However, even if the interfering noise is moderately loud, most of the sentences during ordinary conversation can still be understood fairly well. Nevertheless, the interpretation required for compensating the masking effect of the interfering sounds, and for comprehending what was said, imposes an additional strain on the listener.[2]

It should be noted that speech interference would likely only occur outside of the residential uses in the proposed project site vicinity. With closed windows exterior-to-interior noise levels are typically reduced by approximately 20 to 25 dBA. As a result, construction noise levels at the interior of the closest noise sensitive receptors would be anticipated to be approximately 63 dBA during normal construction activities and 83 dBA if pile driving were to occur. Additionally, these noise levels would only occur during daytime hours on weekdays, as required by Section 8.40.090(d) (Special Provisions) of Chapter 8.40 of the City's Municipal Code. While the construction noise levels may result in a temporary annoyance to the residential uses closest to the proposed project site, the noise levels would not result in a hazardous situation that would prevent typical receptors from hearing on-coming traffic, emergency warning signals or alarms. Further, as the closest receptors are residential uses, these noise levels would not result in an environment that would disrupt educational instruction.

OVSD2-32 Refer to Response OVSD2-28 regarding the 3 dBA significance threshold. As discussed, this threshold only applies to permanent noise sources, as construction related noise is exempt under the City's Municipal Code. Accordingly, the proposed project would not make a cumulative contribution to construction related noise impacts and the cumulative construction impact would remain less than significant.

OVSD2-33 Please refer to Response OVSD1-2, which addresses a similar comment received in a letter from the OVSD dated February 18, 2011 related to enrollment, capacity, and

[2] World Health Organization, *Guidelines for Community Noise*, (Geneva, 1999), http://www.who.int/docstore/peh/noise/guidelines2.html (accessed July 29, 2011).

overcrowding. In response to the previously received comment, enrollment numbers included in the DEIR were updated to reflect 2010 conditions, as shown in Response OVSD1-2. No further response is required.

OVSD2-34 This comment states that an incorrect environmental baseline for schools was used in the DEIR and provides enrollment capacity information for Oak View Elementary School. The commenter also states that the proposed project would exceed student capacity at Oak View Elementary School. Please refer to Response OVSD1-2 which addresses a similar comment received in a letter dated February 18, 2011, from the OVSD related to enrollment, capacity, and overcrowding. Response OVSD1-2 confirms that the proposed project could generate enough students to result in an exceedance of enrollment capacity at Oak View Elementary School, but concludes that implementation of code requirement BECSP CR4.11-1, which requires the collection of fees under the authority of SB 50 (considered full mitigation under CEQA), would offset any increase in educational demand at the elementary and middle schools serving the project site. As such, impacts to schools have been analyzed adequately and would result in a less than significant impact.

OVSD2-35 The commenter states that the traffic analysis provided in DEIR Section 4.13 (Transportation/Traffic) uses a faulty baseline and needs to be revised to use an existing traffic baseline. The commenter suggests that a year 2010 or 2011 baseline should be used; however, as the NOP for the proposed project was published July 31, 2008, and this EIR is rightfully tiered from the BECSP Program EIR (approved in 2009) and BECSP Traffic Study, existing traffic conditions for intersections in close proximity to the project site would reflect year 2008. This is consistent with CEQA practices. Further, due to a lack of development in the immediate project area (possibly due to the decline in economic conditions), traffic conditions in the area have not changed substantially since this time/baseline.

In response to this comment, additional analysis has been provided in DEIR Section 4.13 to identify potential impacts that could occur as a result of the project in comparison to an existing year conditions per the *Sunnyvale* decision referenced by the commenter. A summary of existing year intersection operating conditions and the findings of the Existing Plus Project analysis has been incorporated into the DEIR as follows:

On Draft EIR page 4.13-5:

Existing Year 2008 Intersection Operating Conditions

The existing ICU values and LOS for intersections in close proximity to the project site included in Table 4.13-1a (Existing [2008] ICU Summary) are taken from the BECSP Traffic Study prepared in 2009 for the BESCP Program EIR. The BECSP Traffic Study includes as a baseline traffic conditions at the time the notice of preparation (NOP) was prepared for the BECSP Program EIR which included the proposed project. The NOP released July 31, 2008, is included as Appendix A2 of the BECSP Program EIR. Accordingly, existing year traffic conditions are for year 2008.

As shown in Table 4.13-1a, the intersections of Beach Boulevard and Warner Avenue and Beach Boulevard and Slater Avenue operate at an acceptable LOS during both the AM and PM peak hours under existing year 2008 conditions.

Table 4.13-1a Existing (2008) ICU Summary

Intersection	AM Peak Hours		PM Peak Hours	
	ICU	LOS	ICU	LOS
Beach Boulevard and Warner Avenue	.69	B	.89	D
Beach Boulevard and Slater Avenue	.80	C	.82	D

SOURCE: Austin-Foust Associates, Inc., *Beach-Edinger Specific Plan Area Traffic Analysis for Beach-Warner Project* (September 27, 2011), Table 4.

On Draft EIR page 4.13-13:

Impact 4.13-2 Under existing year 2008 conditions, implementation of the proposed project would not conflict with the City's acceptable LOS standard of D or better identified in Policy CE 2.1.1 of the General Plan for the performance of the project area roadway system. This impact is considered less than significant.

The purpose of the Existing Plus Project analysis is to comply with CEQA, which requires that the baseline for assessing environmental impacts is the existing conditions at the time the NOP is prepared. As previously disclosed, the NOP for the BECSP Program EIR which included the proposed project was released July 31, 2008. Accordingly, this analysis is based on existing year 2008 traffic volumes taken from the BECSP Traffic Study and provided in Table 4.13-1a, plus traffic generated by the proposed project (i.e., residential with mixed-use commercial), which represents existing year 2008 with project traffic volumes. However, it should be noted that this analysis is hypothetical because the actual build-out and occupancy of the project is year 2017.

To derive existing year 2008 with-project volumes, the project-only peak hour intersection volumes are added to the existing (no-project) intersection volumes. Table 4.13-3 summarizes the increase in trip generation due to the proposed project compared to existing conditions on the project site. The existing trip generation, based on existing land uses on the project site, assuming fully occupancy of these uses, is first estimated, and this amount is then subtracted from the proposed project trip generation. The result is the project's increase in trip generation and these volumes are then assigned to the street system using the trip distribution presented earlier in this section (refer to Figure 4.13-2).

As previously discussed, discounts are not taken for underutilized commercial space, as market conditions fluctuate over time and cannot be predicted for future years. This method ensures that a worst-case scenario (i.e., highest trip generation) is used in the traffic analysis for the future time frame. However, for informational purposes, existing trip generation for 2008 conditions based on vacancy rates at the project site in 2008 provided to the City by the project site's property manager has been provided in Table 4.13-3. As shown in Table 4.13-3, the difference in trip generation between existing conditions with full occupancy and existing with conditions with 2008 occupancy is too small to produce a significant change in volumes or intersection ICU results. As a result, the Existing plus Project analysis

assume full occupancy of the existing land uses, consistent with the approach used in 2030 impact analysis.

As shown in Table 4.13-3, implementation of the proposed project would result in a net decrease of 643 daily trips, an increase of 79 trips in the AM peak hour and a decrease of 63 trips in the PM peak hour compared to existing conditions. According to the traffic analysis, this change in ADT volumes is too small of a magnitude to produce a significant change in ADT volumes on the surrounding streets.

Table 4.13-5 (Existing Year [2008] With and Without Project ICU Comparison) summarizes the existing-plus-project ICU values and LOS, and provides a comparison against the existing (no-project) conditions. As can be seen in Table 4.13-5, the proposed project would result in a decline in the LOS at the intersection of Beach Boulevard and Slater Avenue during the AM peak hour from LOS C to LOS D; however, all intersections would continue to operate at acceptable LOS with implementation of the proposed project under existing conditions. As such, the proposed project would not result in significant impacts under existing year 2008 conditions; a ***less than significant*** impact would occur, and no mitigation is required.

Table 4.13-5 Existing Year (2008) With and Without Project ICU Comparison

	Without Project				*With Project*			
	AM Peak Hours		*PM Peak Hours*		*AM Peak Hours*		*PM Peak Hours*	
Intersection	*ICU*	*LOS*	*ICU*	*LOS*	*ICU*	*LOS*	*ICU*	*LOS*
Beach Boulevard and Warner Avenue	0.69	B	0.89	D	0.69	B	0.89	D
Beach Boulevard and Slater Avenue	0.80	C	0.82	D	0.81	D	0.82	D

SOURCE: Austin-Foust Associates, Inc., *Beach-Edinger Specific Plan Area Traffic Analysis for Beach-Warner Project* (September 27, 2011), Table 4.

The findings of this additional analysis concluded that implementation of the proposed project would not result in significant impacts under the Existing Plus Project conditions. All intersections would continue to operate at an acceptable LOS under the Existing Plus Project condition. As such, the proposed project would result in less than significant traffic impacts under both Existing Plus Project and Future Plus Project conditions.

The commenter also suggests that the traffic analysis should be expanded to include other intersections in the local area. However, as the proposed project was considered as part of the BECSP traffic impact analysis (which analyzed a larger area) that resulted in less than significant impacts with implementation of mitigation, the proposed project would result in similar less than significant impacts. Further, as the local intersection analysis provided in the DEIR did not result in significant and unavoidable project impacts, expansion of the study area intersections would not be warranted. Refer to Response OVSD2-39, for a discussion of significant and

unavoidable cumulative traffic impacts identified in the BECSP EIR and incorporated into the DEIR. As the proposed project is located within the BECSP area and would therefore make a cumulative contribution to these impacts, two significant and unavoidable cumulative traffic impacts have been identified for the proposed project in the DEIR. Accordingly, the traffic analysis included in Section 4.13 considers an ample number of intersections, and proposed project impacts are accurately disclosed. No further response is required.

OVSD2-36 The commenter states that traffic impacts associated with the proposed project have been under estimated, further stating that DEIR Table 4.13-3 (Trip Generation comparison for Beach and Warner Project) underestimates the project impacts because it does not include the actual trip generation at the existing site. However, this comment is inaccurate as DEIR Table 4.13-3 includes a comparison of the proposed project to both existing land uses on the site and approved BECSP land uses for the project site, and a written explanation of the table is provided beginning on DEIR page 4.13-6. This provides the reader the ability to understand the difference between what was previously approved for the site under the BECSP and future project conditions, as well as what currently exists on the project site and future project conditions.

To further expand on this response, additional analysis has been provided in DEIR Section 4.13 to identify potential impacts that could occur as a result of the project in comparison to the existing year conditions. Refer to Response OVSD2-35 for a summary of existing year intersection operating conditions and the findings of the Existing Plus Project analysis incorporated into the DEIR. The findings of this additional analysis concluded that implementation of the proposed project would not result in significant impacts in the Existing Plus Project condition, as all intersections would continue to operate at an acceptable LOS with implementation of the proposed project. As identified previously in the DEIR, the proposed project would also result in the less than significant traffic impacts in the Future Plus Project conditions.

OVSD2-37 The commenter states that DEIR Table 4.13-4 (ADT Volume Summary) uses a faulty baseline as it compared ADT in 2030 with and without the project and requests that the EIR compare existing year (2010 or 2011) ADTs to project ADTs. As further described in Response OVSD2-35, the existing year baseline for the proposed project is 2008. A comparison of ADT for the proposed project and existing land uses is provided in DEIR Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project), and shows that the proposed project would result in a 13 percent increase in AM peak hour trips, an 8 percent decrease in PM peak hour trips, and a 7 percent decrease in ADT compared to existing conditions. As such, DEIR Table 4.13-4 adequately addresses this comment and no further response is required.

OVSD2-38 The commenter states the conclusions made under DEIR Impact 4.13-3 (now Impact 4.13-4) relating to Congestion Management Plan intersections must be revised as the project impacts have been underestimated and would not result in a reduction in ADT if the correct traffic baseline was used. As discussed in Response OVSD2-37, the proposed project when compared to existing land uses would result in a 7 percent decrease in ADT (8,210 trips vs. 8,853 trips). As stated on DEIR page 4.13-14, "The proposed project would result in a reduction in ADT compared to existing conditions …" Accordingly, no revision to this analysis is required.

OVSD2-39 The comment states that cumulative traffic impacts are inadequate and need to be revised to incorporate the proper baseline and all cumulative projects. Refer to Response OVSD2-4 which discusses cumulative projects considered in the cumulative analysis provided in the DEIR.

The cumulative impact analysis provided in the traffic section of the DEIR relies on the cumulative analysis provided in the BECSP EIR. As described on DEIR page 4.13-9, under 2030 conditions, which assumes build out of the BECSP, two intersections (Brookhurst Street at Adams Avenue and Beach Boulevard at Bolsa Avenue) would operate at an unacceptable LOS even with implementation of the mitigation measures BECSP MM4.13-1 through BECSP MM4.13-14. Additionally, build out of the BECSP would result in deficiencies at two Caltrans intersections. As the proposed project is located within the BECSP area and would therefore make a cumulative contribution to these impacts, two significant and unavoidable cumulative traffic impacts have been identified for the proposed project in the DEIR. Accordingly, the proposed project cumulative traffic impacts have not been underestimated and no revision to the analysis is required.

OVSD2-40 The commenter states that the DEIR failed to provide a greenhouse gas (GHG) analysis. In response to this comment and consistent with 2011 CEQA Guidelines a project specific GHG analysis has been incorporated into DEIR Section 4.15 (Climate Change) and included in Section 9.2 (Text Changes). The GHG analysis includes an estimation of the existing project site's GHG emissions, the project component emissions, and the combination of the proposed project components and the proposed retained land uses on the project site. As described in Response OVSD2-9 and Response OVSD2-10, the CalEEMod emissions model was utilized to estimate the GHG emissions for the conditions described above. Refer to Response OVSD2-41 and OVSD2-44 for a further discussion of the estimated existing and proposed GHG emissions.

OVSD2-41 The commenter states that the DEIR failed to present the correct baseline for the GHG emissions for existing uses on the project site. In response to this comment letter, the CalEEMod emissions model was utilized to estimate the annual GHG emissions of existing land uses on the project site. These emissions are presented in new Table 4.15-2 (Existing Plus Project Annual Operational Emissions) for informational purposes only, as the thresholds established (and described in further

detail in Response OVSD2-44) are based on the emissions that would result from project implementation, consistent with CEQA Guidelines Section 15064.4. Table 4.15-2 provides the total emissions of the existing land uses, as well as the total emissions of the proposed project components and the proposed retained land uses on the project site. The following text has been added to DEIR page 4.15-4.

Existing Plus Project Analysis

~~Project-related impacts for environmental issue areas that did not require substantial additional~~ The Existing Plus Project analysis ~~from what was provided in~~ compares the ~~BECSP EIR are~~ project's incremental contribution to existing emissions. The project site is currently developed with a 196,000 sf, fifteen-story office tower, a 42,343 sf fitness center, 26,730 sf Movie Theater, 13,414 sf of retail uses, 24,200 sf of single-story office uses and 18,322 sf of restaurant uses. Table 4.15-2 (Existing Plus Project Annual Operational Emissions) presents the existing site's operational emissions, emissions from the proposed project with the retained land uses, and the increase in emissions resulting from operation of the proposed project with the project components and the retained land uses. The project's annual emissions are estimated to be 1,877.02 metric tons CO_2e above the annual emissions from the existing project site. The greatest emissions increase is associated with mobile sources and energy use, while the project would provide fewer emissions attributable to solid waste.

Table 4.15-2 Existing Plus Project Annual Operational Emissions

Emission Sources	Existing Project Site MT CO_2e	Proposed Project Site MT CO_2e	Increase MT CO_2e
Amortized Construction	—	110	110
Area Source	—	7.09	7.09
Energy	1,922.88	2,099.02	176.14
Mobile	7,474.93	9,136.39	1,661.46
Solid Waste	377.84	261.03	(116.81)
Water Use	365.21	404.35	39.14
Total	***10,140.86***	***12,017.88***	***1,877.02***

SOURCE: CalEEMod 2011.1 was used to determine all emissions. CalEEMod output is included in Appendix A.

As shown, the existing uses of the proposed project site emit approximately 10,140.86 metric tons of CO_2e per year. Under the remodeled conditions, the proposed project would continue to result in a less than significant GHG impact. No further response required.

OVSD2-42 The comment states that the Climate Change analysis relied on the BECSP EIR and that the BECSP mitigation measures identified do not serve as quantifiable reduction measures. Refer to Response OVSD2-40 for a discussion of the revised GHG Analysis incorporated into the DEIR. With regard to the mitigation measures,

development of the project site was previously contemplated and evaluated as part of the BECSP EIR, and impacts with respect to climate change for the entire BECSP were determined to be less than significant with incorporation of mitigation measures BECSP MM4.15-1 through BECSP MM4.15-9. The EIR identified mitigation measures BECSP MM4.15-1 through BECSP MM4.15-9 as feasible and enforceable measures that would serve to reduce GHG emissions. These mitigation measures are consistent with the strategies recommended by the California Climate Action Team (CCAT), California Air Pollution Controls Officers Association (CAPCOA), and the California Attorney General (AG); comply with Title 24 requirements; and incorporate the BECSP Sustainability Requirements provided in BECSP Section 2.8.2-3. Additionally, the proposed project incorporated the following state mandates and SCAQMD regulations as recommended by the SCAQMD Draft Guidance Document on GHG. These reduction measures are identified below and have been incorporated into DEIR pages 4.15-2 to 4.15-3:

State Reduction Measures

Transportation

- ***Assembly Bill 1493:*** *Pavley I & Pavley II: Assembly Bill (AB) 1493 (Pavley) required the ARB to adopt regulations that will reduce GHG from automobiles and light-duty trucks by 30 percent below 2002 levels by the year 2016, effective with 2009 models.*
- ***Executive Order S-1-07 (Low Carbon Fuel Standard):*** *The Low Carbon Fuel Standard (LCFS) requires a reduction of at least 10 percent in the carbon intensity of California's transportation fuels by 2020.*
- ***Tire Pressure Program:*** *The AB 32 early action measure involves actions to ensure that vehicle tire pressure is maintained to manufacturer specifications.*
- ***Low-Rolling-Resistance Tires:*** *This created an energy efficiency standard for automobile tires to reduce rolling resistance.*
- ***Low-Friction Engine Oils:*** *This AB 32 early action measure would increase vehicle efficiency by mandating the use of engine oils that meet certain low friction specifications.*
- ***Cool Paints and Reflective Glazing:*** *This AB 32 early action measure is based on measures to reduce the solar heat gain in a vehicle parked in the sun.*
- ***Goods Movement Efficiency Measure:*** *This AB 32 early action measure targets systemwide efficiency improvements in goods movement to achieve GHG reductions from reduced diesel combustion.*
- ***Heavy-Duty Vehicle Emission Reduction:*** *This AB 32 early action measure would increase heavy-duty vehicle (long-haul trucks) efficiency by requiring installation of best available technology and/or ARB approved technology to reduce aerodynamic drag and rolling resistance.*
- ***Medium and Heavy Duty Vehicle Hybridization:*** *The implementation approach for this AB 32 measure is to adopt a regulation and/or incentive program that reduce the GHG emissions of new trucks (parcel delivery trucks and vans, utility trucks, garbage trucks, transit buses, and other vocational work trucks) sold in California by replacing them with hybrids.*

Energy

- ***AB 1109 Energy Efficiency Requirements for lighting:*** *Assembly Bill (AB 1109) mandated that the California Energy Commission (CEC) adopt energy efficiency standards for general purpose lighting. These regulations, combined with other state efforts, shall be structured to reduce statewide electricity and natural gas consumption.*
- ***Electrical Energy Efficiencies:*** *This measure captures the emission reductions associated with electricity energy efficiency activities included in ARB's AB 32 Scoping Plan that are not attributed to other R1 or R2 reductions as described in this report. This measure includes energy efficiency measures that ARB views as crucial to meeting the statewide 2020 target, and will result in additional emissions reductions beyond those already accounted for in California's Energy Efficiency Standards for Residential and Non-Residential Buildings (Title 24, Part 6 of the California Code of Regulations; hereinafter referred to as, "Title 24 Energy Efficiency Standards"), etc.*
- ***Natural Gas Energy Efficiencies:*** *This measure captures the emission reductions associated with natural gas energy efficiency activities included in ARB's AB 32 Scoping Plan that are not attributed to other R1 or R2 reductions, as described in this report. This measure includes energy efficiency measures that ARB views as crucial to meeting the state-wide 2020 target, and will result in additional emissions reductions beyond those already accounted for in California's Energy Efficiency Standards for Residential and Non-Residential Buildings (Title 24, Part 6 of the California Code of Regulations; hereinafter referred to as, "Title 24 Energy Efficiency Standards"), etc.*

Water

- ***California Green Building Code:*** *Reduction of indoor water consumption beyond business-as-usual by 20 percent is mandatory for residential and non-residential development.*

Solid Waste

- *California Integrated Waste Management Board requires 50 percent diversion rate for all local jurisdictions.*

SCAQMD Reduction Measure

- ***SCAQMD Rule 445*** *states that no permanent wood burning devices can be installed in new development and only clean burning devices can be sold for use existing residences.*

With the implementation of state-mandated and SCAQMD regulations, as well as mitigation measures BECSP MM4.15-7 through BECSP MM4.15-9 GHG emissions would be reduced from levels without these measures. With implementation of these measures the implementation of proposed project would result in approximately 3,877.56 metric tons of CO_2e emissions annually. As shown in Table 4.15-3 (Proposed Project Components BAU Annual Operational Emissions Comparison), implementation of the proposed project without the identified reduction measures results in annual CO_2e emissions of 4,434.97 metric tons, an increase of 557.41 metric tons annually over the proposed project.

Table 4.15-3 Proposed Project Components BAU Annual Operational Emissions Comparison

Emission Sources	BAU MT CO_2e	Project MT CO_2e	Total Decrease
Amortized Construction	110	110	=
Area Source	7.08	7.08	=
Energy	720.35	720.35	=
Mobile	3,459.77	2,974.60	***485.17***
Solid Waste	103.28	51.64	***51.64***
Water Use	144.49	123.89	***20.6***
Total	***4,544.97***	***3,987.56***	***557.41***

SOURCE: CalEEMod 2011.1 was used to determine all emissions. CalEEMod output is included in Appendix A.

Therefore, incorporation of the state-mandated and SCAQMD regulations and the identified mitigation measures would reduce operational GHG emissions as compared to BAU operational emissions. As further described in Response OVSD2-45, the GHG emissions that would occur from implementation of the proposed project would be below the threshold of significance and project impacts would be less than significant. No further response required.

OVSD2-43 The commenter states that construction-related mitigation measures BECSP MM4.15-1 through BECSP MM4.15-6 would not result in a reduction of construction related emissions. Refer to Response OVSD2-42 for a description of the reduction in GHG emissions achieved with implementation of mitigation measures BECSP MM4.15-1 through BECSP MM4.15-9 for construction and operational emissions. The reductions have been quantified in Table 4.15-3, and as described in Response OVSD2-42, construction and operational impacts have been reduced to less than significant levels.

OVSD2-44 The commenter states that the DEIR should have reported the proposed project's GHG emissions, as estimated by the URBEMIS emissions model. In response to comments, as well as new thresholds for GHG being put forth by the SCAQMD, the DEIR has been revised to report the GHG emissions that would result from implementation of the proposed project utilizing the CalEEMod emissions model. In accordance with SCAQMD recommendations, construction emissions would be amortized over an anticipated 30-year structure lifetime and added to the operational emissions to provide an average annual emissions estimate. Table 4.15-1 (Proposed Project Components Estimated Annual Emissions) shows the estimated GHG emissions for the construction and operation of the proposed project components with the incorporation of all state mandates and mitigation measures as described in Response OVSD2-42 and Response OVSD2-43. Table 4.15-1 provides the direct GHG emissions by area source, energy, mobile emissions, as well as the indirect

GHG emissions from water consumption and solid waste disposal. The results have been incorporated into DEIR pages 4.15-2 to 4.15-3 and are included below:

Table 4.15-1 Proposed Project Components Estimated Annual Emissions

Emission Source	*Metric Tons CO_2e*
Amortized Construction[a]	110
Area Source[b]	7.08
Energy	720.35
Mobile	2,974.60
Solid Waste	51.64
Water Use	123.89
Total	***3,877.56***
Service Population (SP)	855
Operational MT CO_2e/SP	4.54
SCAQMD Draft Threshold MT CO_2e/SP	4.80
Significant?	No

SOURCE: CalEEMod 2011.1 was used to determine all emissions. CalEEMod output is included in Appendix A. Service Population is the sum of employees and residents of the proposed project.

a. Total construction emissions are 3,313.00 metric tons CO_2e.

b. Because the proposed project will not have fireplaces, Area Source emissions include only emissions from landscaping equipment.

With the inclusion of Table 4.15-1 and supporting text, the GHG emissions that would result from construction and operation of the proposed project have been adequately reported in the DEIR and no further response is required.

OVSD2-45 The commenter states that significance thresholds should have been developed for GHG emissions. The commenter recommends a range of significance thresholds between 1,100 to 10,000 metric tons of CO_2e per year. In response to this comment and in consideration of the CEQA Guidelines thresholds of significance that were adopted after certification of the BECSP Program EIR, the DEIR utilizes adopted GHG significance thresholds as follows:

> Based on full consideration of the available information, for this analysis it is assumed that individual projects that meet the following criteria will be determined to have a less than significant impact with respect to the emission of greenhouse gases:
>
> - The individual project limits operational emissions of greenhouse gases to 4.80 metric tons CO_2e/SP annually or less, pursuant to SCAQMD's draft GHG emissions threshold for project-level analysis.
> - The individual project complies with the plans and policies of the AB 32 Scoping Plan adopted by California ARB for the purpose of reducing the emissions of greenhouse gases.

As described under Impact 4.15-1 and Impact 4.15-2, the proposed project would result in less than significant impacts utilizing the above thresholds of significance. As shown in Table 4.15-1 presented in Response OVSD2-44, the proposed project would result in approximately 4.54 CO_2e/SP, below the SCAQMD's draft threshold of 4.80 CO_2e/SP. Further, the proposed project would result in a reduction of GHG emissions from business as usual (BAU) development practices by approximately 557.41 metric tons of CO_2e. Therefore, with incorporation of mitigation measures BECSP MM4.15-1 through BECSP MM4.15-9 to reduce GHG emissions the proposed project would not exceed the established thresholds and impacts would remain less than significant. No further response is required.

OVSD2-46 In response to this comment, Figure 6-1 (Alternative 2 Site Plan) presented on FEIR page 9-69 has been revised to more clearly label the various components of Alternative 2.

OVSD2-47 This comment states that DEIR Table 6-5 (Alternative 3 Trip Generation Comparison) does not accurately compare the baseline traffic to the no-project alternative. However, DEIR Table 6-5 provides a trip generation comparison between existing uses on the project site and those uses that would occur under Alternative 2, the Reduced Beach Mixed-Use Building Alternative, and is not intended to apply to Alternative 1, the No Project/No Development Alternative. Consistent with the commenter's statement that the table should report the actual trip generation at the existing site, DEIR Table 6-5 provides the estimated number of trips generated existing uses to compare the estimated number of trips generated from operation of Alternative 2. No revision to DEIR Table 6-5 or the related analysis is required. No further response is necessary.

OVSD2-48 This comment states that based on review of the DEIR by Environmental Audit, Inc., the DEIR has fatal flaws and the revised DEIR must be recirculated but does not identify specific examples of such instances. Please refer to responses to specific comments and recommendations above. Based on comments and issues raised throughout this comment letter, recirculation of the DEIR is not required. No further response is necessary.

10.3.5 Public Testimony (DEIR Meeting)

Although the comments/letters are typically provided in alphabetical order, in this section, comments are organized in the order in which testimony was received at the DEIR meeting on February 2, 2011.

Barbara DelGleize (BG), February 2, 2011

BDG-1 The commenter asked whether the proposed project would be apartment or condominium units and whether the Chili's restaurant would be demolished. The residential component of the proposed project would consist entirely of rental apartment units.

With regard to comments relating to the existing Chili's restaurant on the project site, this is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. However, the Chili's restaurant is proposed to be removed as part of the proposed project. No further response is required.

BDG-2 Implementation of mitigation measure BECSP MM4.13-1 would result in the addition of a separate westbound right-turn lane to the intersection of Beach Boulevard at Warner Avenue. The traffic study prepared for the BECSP EIR did not determine that a dedicated southbound right-turn lane along Warner Avenue at Beach Boulevard was required to mitigate potential impacts resulting from build-out of the BECSP.

Al Brown (AB), February 2, 2011

AB-1 As described on DEIR page 3-10, construction of the proposed project would occur in two phases. It is anticipated that the entirety of the project (start of Phase 1 to completion of Phase 2) would take approximately 59 months.

AB-2 With implementation of the project, access to the project site would be redesigned and would be provided from a total of eight driveways, including two limited access driveways on Beach Boulevard, two limited access driveways on Warner Avenue, two full access driveways on Cypress Street and two full access driveways on Ash Street, as shown in Figure 4.13-3 on DEIR page 3-7. Direct access to the existing and proposed parking structures would be available from two driveways on Ash Street and two driveways on Cypress Avenue. These driveways would allow residents to access Beach Boulevard without utilizing Warner Avenue, per the commenter's question.

AB-3 The commenter asked if any parks would be developed as a result of the proposed project. Approximately 75,000 sf of open space would be provided as part of the proposed project. Proposed public open space would be designed in conformance with BECSP Section 2.6.4, which identifies guidelines for design of the various types of public open space. As such, several types of public open space would be provided, including a plaza on the corner of Beach Boulevard and Warner Avenue, a courtyard plaza located in the center of the project site, and several pedestrian paseos. No parks or open space located off-site would be developed as part of the proposed project.

Dan Kalmick (DK), February 2, 2011

DK-1 The commenter asked two questions regarding traffic: (1) was the currently vacant lot considered in the traffic analysis and (2) was a dedicated right-turn lane analyzed on east bound Warner Avenue at the Beach Boulevard intersection?

As shown in Table 4.13-3 on DEIR page 4.13-7, trip generation for both existing conditions and the proposed project are based on the type and amount of uses on the project site. Standard practice regarding trip generation does not consider vacancy rates or undeveloped lots; however the ITE 8th Edition does factor in average vacancy rates that vary by land use. According to the project site's property manager, in 2008, the vacancy rate for the office tower was 13 percent and mixed-use commercial uses on the site had a vacancy rate of 31 percent. As the ITE 8th Edition assumes a 12 percent vacancy rate for office uses and 10 to 15 percent vacancy rate for commercial uses, trip generation included in Table 4.13-3 for existing uses is reasonably consistent for office uses and greater for commercial uses than what actually occurred, and therefore reflects the worst-case scenario (higher trip generation). To further expand on this comment and provide clarification as why trip generation with 2008 occupancy was not used in the traffic analysis the following text has been incorporated into the EIR and Table 4.13-3 has been revised to include existing trip generation with 2008 occupancy for informational purposes:

DEIR page 4.13-6:

> The trip generation for the project site is summarized in Table 4.13-3 (Trip Generation Comparison for Beach and Warner Project), along with existing trip generation based on the existing land uses. Trip generation for the existing land uses were estimated by applying general category trip rates to the existing land uses and assuming full occupancy of these uses. This same procedure is then applied to the proposed land uses to estimate future trip generation. Discounts are not taken for underutilized commercial space, as market conditions fluctuate over time and cannot be predicted for future years. This method ensures that a worst-case scenario (i.e., highest trip generation) is used in the traffic analysis for the future timeframe. However, for informational purposes, existing trip generation for 2008 conditions based on vacancy rates at the project site in 2008 provided to the City by the project site's property manager has been provided in Table 4.13-3. As shown in Table 4.13-3, the difference in trip generation between existing conditions with full occupancy and existing with conditions with 2008 occupancy is too small to produce a significant change in volumes or intersection ICU results. A detailed land use and trip generation summary, including trip generation rate sources, can be found in the traffic study (Appendix D).

DEIR Table 4.13-3:

Table 4.13-3 Trip Generation Comparison for Beach and Warner Project

		Peak Hour						
		AM			PM			
Project Description	*Amount (sf)*	*In*	*Out*	*Total*	*In*	*Out*	*Total*	*ADT*
Proposed Project (Existing development to remain and new construction)								
Office Tower (Existing)	196,000	267	37	***304***	49	243	***292***	2,158
General Commercial (Existing)	13,414	8	5	***13***	25	25	***50***	576
High-Turnover Restaurant (Existing)	12,322	74	68	***142***	81	56	***137***	1,567
General Commercial	29,600 sf	18	12	***30***	54	56	***110***	1,271
Restaurant	6,000	36	33	***69***	40	27	***67***	763

Table 4.13-3 Trip Generation Comparison for Beach and Warner Project

Project Description	Amount (sf)	Peak Hour AM In	Peak Hour AM Out	Peak Hour AM Total	Peak Hour PM In	Peak Hour PM Out	Peak Hour PM Total	ADT
Mixed-Use Residential	279 du	28	114	***142***	112	61	***173***	1,875
Project Trip Generation Total		***431***	***269***	***700***	***361***	***468***	***829***	***8,210***
Existing Conditions with Full Occupancy								
General Commercial (Existing)	13,414	8	5	***13***	25	25	***50***	576
High-Turnover Restaurant	18,322	110	101	***211***	121	84	***205***	2,329
Office Tower	196,000	267	37	***304***	49	243	***292***	2,158
Single-Story Office	24,200	29	6	***35***	7	24	***31***	309
Health/Fitness Club	42,343	26	32	***58***	85	64	***149***	1,394
Movie Theater	26,730	0	0	***0***	155	10	***165***	2,087
Existing Trip Generation Total with Full Occupancy		***440***	***181***	***621***	***442***	***450***	***892***	***8,853***
Net Change from Existing with Full Occupancy		-9	88	***79***	-81	18	***-63***	**-643**
% Difference from Existing with Full Occupancy				***13%***			***-8%***	**-7%**
Existing Conditions with 2008 Occupancy*								
General Commercial (Existing)	13,414	8	5	***13***	25	25	***50***	576
High-Turnover Restaurant	18,322	110	101	***211***	121	84	***205***	2,329
Office Tower	196,000	267	37	***304***	49	243	***292***	2,158
Single-Story Office	24,200	20	4	***24***	5	17	***22***	215
Health/Fitness Club	42,343	26	32	***58***	85	64	***149***	1,394
Movie Theater	26,730	0	0	***0***	155	10	***165***	2,087
Existing Trip Generation Total with 2008 Occupancy		***431***	***179***	***610***	***440***	***443***	***883***	***8,759***
Net Change from Existing with 2008 Occupancy		0	90	***90***	-79	25	***-54***	**-549**
% Difference from Existing with 2008 Occupancy				***13%***			***-7%***	**-7%**
Approved BECSP Land Uses for the Project Site								
Mixed-Use Residential	272 du	27	112	139	109	60	169	1,828
Mixed-Use Commercial	15,000	14	13	27	19	20	40	602
General Commercial	242,340	308	274	582	419	434	853	12,965
Approved BECSP Land Uses Trip Generation Total		~~***431***~~ ***349***	~~***269***~~ ***399***	~~***700***~~ ***748***	~~***361***~~ ***547***	~~***468***~~ ***514***	~~***829***~~ ***1,062***	~~***8,210***~~ ***15,395***
Net Change from Approved BECSP		82	-130	***-48***	-186	-46	***-233***	**-7,185**
% Difference from Approved BECSP				***-6%***			***-22%***	**-46%**

SOURCES: Austin-Foust Associates, Inc., *Beach-Edinger Corridors Specific Plan Area Traffic Analysis for Beach-Warner Project* (~~December 20, 2010~~September 27, 2011), Tables 1 and 2.

ADT = average daily traffic; du = dwelling unit; sf = square feet

* 2008 vacancy rate information was provided to the City by the site's property manager and shows a 13 percent vacancy rate for the office tower, consistent with average vacancy rate assumed in the ITE 8th Edition (12 percent) trip generation rate for this land use. Existing mixed use commercial has a 31 percent vacancy rate, which is greater than what the ITE trip generation rate assumes for commercial uses (10 to 15 percent).

On Draft EIR page 4.13-13:

> To derive existing year 2008 with-project volumes, the project-only peak hour intersection volumes are added to the existing (no-project) intersection volumes. Table 4.13-3 summarizes the increase in trip generation due to the proposed project compared to existing conditions on the project site. The existing trip generation, based on existing land uses on the project site, assuming fully occupancy of these uses, is first estimated, and this amount is then subtracted from the proposed project trip generation. The result is the project's increase in trip generation and these volumes are then assigned to the street system using the trip distribution presented earlier in this section (refer to Figure 4.13-2).
>
> As previously discussed, discounts are not taken for underutilized commercial space, as market conditions fluctuate over time and cannot be predicted for future years. This method ensures that a worst-case scenario (i.e., highest trip generation) is used in the traffic analysis for the future time frame. However, for informational purposes, existing trip generation for 2008 conditions based on vacancy rates at the project site in 2008 provided to the City by the project site's property manager has been provided in Table 4.13-3. As shown in Table 4.13-3, the difference in trip generation between existing conditions with full occupancy and existing with conditions with 2008 occupancy is too small to produce a significant change in volumes or intersection ICU results. As a result, the Existing plus Project analysis assume full occupancy of the existing land uses, consistent with the approach used in 2030 impact analysis.

The traffic study prepared for the BECSP EIR did not determine that a dedicated southbound right-turn lane along Warner Avenue at Beach Boulevard was required to mitigate potential impacts resulting from build-out of the BECSP. As such, it was not studied as part of the proposed project.